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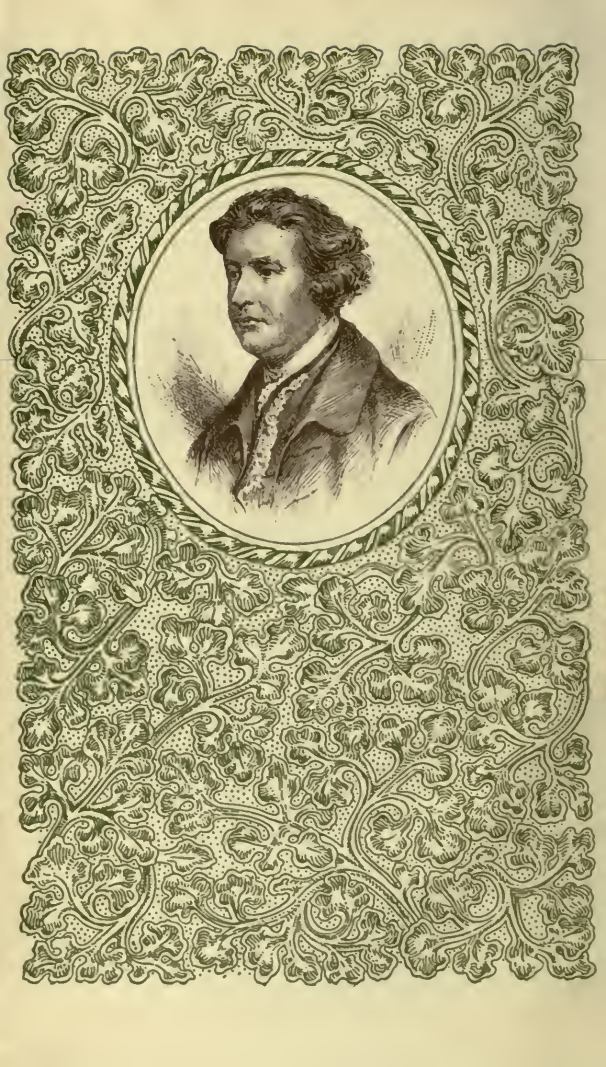
The World's Classics

CXI

BURKE'S WRITINGS AND SPEECHES.—III



THE WORKS OF EDMUND BURKE

THE WORKS

OF

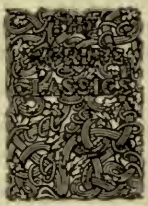
THE RIGHT HONOURABLE

EDMUND BURKE

VOL. III

WITH AN INTRODUCTION BY

FRANK H. WILLIS



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EDMUND BURKE

Born, Dublin 1728
Died, Beaconsfield . . . . . July 8, 1797

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CONTENTS

PAGE

Speech at Bristol previous to the Election in that City, 1780 1

Speech at Bristol declining the Poll, 1780 . . 49

Speech on Fox's East India Bill, December 1, 1783 55

A Representation to His Majesty, moved in the House of Commons, June 14, 1784; with Preface and Notes. 146

Speech on the Motion made for Papers relative to the Directions for Charging the Nabob of Arcot's Private Debts to Europeans on the Revenues of the Carnatic, February 28, 1785 185

Substance of the Speech on the Army Estimates in the House of Commons, February 9, 1790 273

Speech on the Acts of Uniformity . . . 291

Speech on the Second Reading of a Bill for the Relief of Protestant Dissenters, 1773 . . 304

Speech on a Motion for leave to bring in a Bill to repeal and alter certain Acts respecting Religious Opinions; May 11, 1792 . . 317

Speech on the Motion made in the House of Commons, February 7, 1771, relative to the Middlesex Election 332

Speech on a Bill for Shortening the Duration of Parliaments 338

PAGE

Speech on a Motion made in the House of Commons, May 7, 1782, for a Committee to inquire into the State of the Representation of the Commons in Parliament 352

Speech on a Motion, made by the Right Hon. Wm. Dowdeswell, for leave to bring in a Bill for explaining the Powers of Juries in Prosecutions for Libels 364

Speech on the Second Reading of a Bill for the Repeal of the Marriage Act 383

Speech on a Motion for leave to bring in a Bill to quiet the Possessions of the Subjects against dormant Claims of the Church 388

PREFACE

In 1774 Burke had been elected for Bristol, and at the dissolution of parliament in 1780 he arrived in that city with a view to offering himself for re-election. During the six years that he had represented Bristol he frequently found himself unable to share the opinions of his constituents, while the independent spirit he had shown on questions of Irish trade, the Insolvent Debtors' Bill, and the relief of Roman Catholics, had alienated much of the support he had hitherto received. He now returns, as he says, to make up his account, and, in a speech 'surpassed by none in gravity, elevation, and moral dignity,' delivered at the Guildhall, he explains the motives by which he was actuated, preferring to lose his seat rather than renounce the objects for which he had laboured. It was not possible always to conform to their wishes, but he had ever maintained their interests for, as he says, 'I am to look to your opinions, but to such opinions as you and I must have five years hence.' It is fitting to examine the member's conduct, but it must be with discretion, not like cavilling pettifoggers prying into flaws and hunting for exceptions. Members must be allowed to act in a very enlarged view of things; if not, the national representation will infallibly be degraded into a confused and scuffling bustle of local agency. If the people choose their servants on the principle of mere obsequiousness and flexibility, and total vacancy or indifference of opinion on all public matters, the State will cease to be sound, and it will be in vain to think of saving it.

Burke ever stood by the principles of justice, benevolence, and a love of true liberty. In respect of Ireland his only thought was to unite in prosperity and affection the people of that country to the empire,

while from the Roman Catholics he strove to remove a few of the innumerable penalties with which they were oppressed. 'Crimes are the acts of individuals and not of denominations; and therefore arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, is an act of unnatural rebellion against the legal dominion of reason and justice.'

He pleaded the cause of humanity on behalf of those imprisoned for debt, 'victims of the absurdities of our laws,' and is prepared to consult the interests of the people and to gratify their humours, but cannot for their amusement act the part of a tyrant.

Then expressing his gratitude for the opportunity which he had enjoyed of rendering some assistance to great and laudable designs, he concludes, 'If I have had my share in any measure giving quiet to private property, and private conscience; if by my vote I have aided in securing to families the best possession, peace; if I have joined in reconciling kings to their subjects, and subjects to their prince; if I have assisted to loosen the foreign holdings of the citizen, and taught him to look for his protection to the laws of his country, and for his comfort to the goodwill of his countrymen; if I have thus taken my part with the best of men in the best of their actions, I can shut the book; I might wish to read a page or two more, but this is enough for my measure. I have not lived in vain.'

It has been said that never before nor since has such a speech been delivered on the hustings, and it was considered by Sir Samuel Romilly the finest piece of oratory in our language.

Although earnestly requested to offer himself again as a candidate, Burke declined the election, and in a few impressive words, addressed to the electors, took his leave of Bristol. From Bristol he turned again to Malton, and this 'humble borough' kept him as its representative during the remainder of his parliamentary career.

For many years Burke had directed his attention to

a careful study of Indian affairs, and 'his knowledge,' says Macaulay, 'was such as few, even of those Europeans who have passed many years in that country, have attained, and such as certainly was never attained by any public man who had not quitted Europe.' This knowledge Burke used with striking effect in his speech on Fox's India Bill, and that on the Nabob of Arcot's debts.

As early as 1772, Burke had been pressed to go to India at the head of a Commission to investigate the disorders which existed there, but he declined to accept the position. In 1783 Fox introduced his India Bill, by which it was proposed to place the control of the East India Company's affairs in the hands of commissioners, who should serve for a term of years, and be unremovable by Parliament. In his speech supporting the Bill, Burke vigorously attacked the Company. He charged it with having totally perverted the purposes of its institution, both political and commercial, and with a gross abuse of power, whereby the blood of millions of men had been sold for the consideration of money. In graphic language he describes the condition of India, wherein 'every legal, regular authority in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding to guide them in India, is at present the state of your charter-government over great kingdoms. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were this country to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by anything better than the ourang-outang or the tiger.'

Burke's anxiety was for good and protecting government, let it come from what quarter it will. Its chief

regulations would be helps not fetters, and a valuable principle of the Bill was to make a judicial administration for India. The Bill further proposed to modify the charter of the Company, and this, being regarded as a design against charters in general, brought forth strenuous opposition from the various chartered bodies and municipalities. Burke's reply was that if the City of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men, its charter should prove no sanction to such tyranny and oppression. 'Charters are kept, when their purposes are maintained; they are violated when the privilege is supported against its end and its object.' The speech closes with a sublime tribute to the character of Fox.

In spite of the fact that the bill was carried through the Commons, the interests against it proved too strong, and at the instigation of the crown, the House of Lords threw out the measure. This gave the King the opportunity he desired of getting rid of a distasteful ministry and he immediately called upon the ministers to deliver up their seals of office. Nearly a hundred years elapsed before the government of India passed from the hands of the East India Company and came under the complete control of the Crown.

The new Parliament met in May 1784, and on June 14 Burke moved a Representation to His Majesty protesting against the intrigues, the corrupt and dishonourable influences, the unauthorized, but not disavowed, use of His Majesty's name, which led to the recent dissolution. He admits it is the undoubted prerogative of the Crown to dissolve Parliament, but it is the most critical and delicate of all the trusts vested in His Majesty, and the House of Commons has reason to require not only the good faith, but the favour of the Crown. It is also in the power of the Crown to choose a time for dissolution, while great and arduous matters of state are pending, thus giving rise to misunderstanding that may prove fatal to the honour that belongs to members of parliament. 'If faith with the House of

Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain which will not easily be healed.' Commenting on the speech, Fox said, 'it would make the fame of some men, but in the number and excellence of Mr. Burke's productions was, perhaps, scarcely remembered.'

Although Fox's Bill had failed, Burke did not relax his efforts on behalf of India, and in January 1785, on the Speech from the Throne, he again drew attention to the affairs of the India Company. 'There was,' he said, referring to Warren Hastings, 'at that moment in India as great a phenomenon as ever the world had produced—a person who stood not as a delinquent, but as a criminal in the eyes of that House—whose criminal charge was on the records of their journals, and whose recall had been ordered by that House. Nevertheless, in defiance of their authority, that criminal was at this moment commanding our armies and directing the expenditure of our revenues in Bengal.'

Certain debts were alleged to have been incurred by the Nabob of Arcot to officials of the East India Company and these it was proposed to satisfy chiefly out of the revenues of the Carnatic. The matter came up for consideration on the 28th of February and Burke denounces this policy as one of concealment and falsehood, the nabob and his creditors being not adversaries but collusive parties. The condition of the Carnatic after the desolating havoc wrought by Hyder Ali is described in a passage as vivid as any in the language, while the history, laws, religious rites and ceremonies, and the technicalities of Indian finance are considered 'with such nobility of idea and expression as could only have come from the addition to genius of a deep morality of nature, and an overwhelming force of conviction.' Much evil has been done in India under British authority, but what, asks Burke, has been done to redress it? 'It will astonish posterity when they read our opinions in our actions, that after years of inquiry, we have found out that the sole grievance of India consisted in

this, that the servants of the Company there had not profited enough of their opportunities, nor drained it sufficiently of its treasures; when they shall hear that the very first and only important act of a commission specially named by Act of Parliament is to charge upon an undone country, in favour of a handful of men in the humblest ranks of public service, the enormous sum of perhaps four millions of money.' The speech from beginning to end shows how complete was Burke's mastery of his subject, and fierce was the indignation with which he attacked the corrupt and unscrupulous dealings of Warren Hastings and his agents. It was one of his greatest efforts, made on behalf of a people differing in race and colour to his own and from whom no requital, no thanks, no applause, could be expected. In the impeachment of Warren Hastings, which followed three years later, Burke acted as one of the managers, but, as has been already stated, the proceedings are too voluminous to be included in the present edition of his works.

The debate on the Army estimates of 1790 called forth from Burke his first reflections in parliament on the position of affairs in France, in answer to certain expressions of approval on the part of Fox. He again states his detestation and distrust of the Revolution, 'freedom and a better security for freedom might have been obtained without any sacrifice at all,' and contrasts it to its disfavour with the revolution in England. The English revolution did not impair the monarchy but rather strengthened it, and Church and State were not only the same after it but better secured. England never preserved a firmer countenance, nor a more vigorous arm, and everywhere she appeared as the protector, asserter, or avenger of liberty. Burke was desirous of keeping the distemper of France from any countenance in England, and to this end he was prepared to abandon his best friends and join with his worst enemies to oppose either the means or the end. 'This,' says Mr. Morley, 'has unanimously been pronounced one of the most brilliant and effective speeches that Burke

ever made.' It certainly was not without dramatic incident, for it led to the rupture with Fox and those with whom Burke had for so long associated.

The concluding portion of this volume contains fragments and notes of nine speeches, delivered by Burke in the House of Commons. They were found among his papers after his death, and were no doubt intended by him for publication. They cover a period of twenty years, 1771 to 1791, and comprise matters of passing interest relative to the Acts of Uniformity, Parliamentary Reform, Relief of Dissenters, and the Powers of Juries in Prosecutions for Libel.

With regard to the Acts of Uniformity, Burke opposed the petition of certain clergymen of the Church of England who claimed to be relieved from subscription to the thirty-nine articles, and he does so on the ground that while they desired to remain in the establishment and receive its emoluments, their consciences would not suffer them to conform to the doctrines and practices of that Church. On the other hand, he supported a Bill for the relief of Dissenters for a similar reason, that while they asked for toleration they sought neither titles, dignities, nor cathedrals. He desired to see united in affection all those who believe in the great principles of the Godhead, thus forming an alliance against those great ministers of darkness in the world, who are endeavouring to shake all the works of God established in beauty and order. Yet Burke resisted the petition of the Unitarians, because he thought he saw in them not merely a theological sect, but a political faction harbouring designs against Church and State.

He viewed with suspicion any shortening of the duration of Parliament, considering it would be followed by disastrous results. The members would become more shamelessly corrupt, and the electors more venal, while it would utterly destroy the sobriety, industry, integrity, and simplicity of all the people. Further, he set his face against any reform of the representation of the House of Commons, he could sanction no

meddling with the constitution. 'This constitution in former days used to be the admiration and the envy of the world; it was the pattern for politicians; the theme of the eloquent; the meditation of the philosopher in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, it it had any, were partly covered by partiality, and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected of men; and every device and invention of ingenuity, or idleness, set up in opposition or in preference to it.'

Most ably Burke advocated the extension of the power of juries in prosecutions for libel. The Bill introduced by Mr. Dowdeswell was drawn up by Burke himself, and strange as it may seem, although Fox resisted it, in 1791 he adopted it almost word for word in the Bill which he successfully carried, without any acknowledgment to its real author.

Burke also took part in the debates on Fox's Bill for the repeal of the Marriage Act and on a bill for restraining the dormant claims of the Church. Writing of Burke's speech with respect to the former, Horace Walpole said, 'he spoke with a choice and variety of language, a profusion of metaphors, and yet with a correctness of diction that were surprising.'

A careful study of these speeches will afford a true conception of the style of Burke's eloquence. As an orator he stands pre-eminent amongst the greatest, and, in the opinion of Lord Byron, alone with Lord Chatham approached the standard of perfection. No man was heard more acceptably in the House, or was treated with such deference by his opponents; and if at times his speeches suffered from their length and over elaboration he sinned, if at all, in good company. His power of invective was unequalled, and as he laid bare the crimes and tyrannies of Warren Hastings his hearers (it is said) were struck with awe akin to terror.

FRANK H. WILLIS.

SPEECH, &c.

Mr. Mayor, and Gentlemen,

I am extremely pleased at the appearance of this large and respectable meeting. The steps I may be obliged to take will want the sanction of a considerable authority; and in explaining anything which may appear doubtful in my public conduct, I must naturally desire a very full audience.

I have been backward to begin my canvass. The dissolution of the parliament was uncertain; and it did not become me, by an unseasonable importunity, to appear diffident of the fact of my six years' endeavour to please you. I had served the city of Bristol honourably, and the city of Bristol had no reason to think that the means of honourable service to the public were become indifferent to me.

I found, on my arrival here, that three gentlemen had been long in eager pursuit of an object which but two of us can obtain. I found that they had all met with encouragement. A contested election in such a city as this is no light thing. I paused on the brink of the precipice. These three gentlemen, by various merits, and on various titles, I made no doubt were worthy of your favour. I shall never attempt to raise myself by depreciating the merits of my competitors. In the complexity and confusion of these cross pursuits, I wished to take the authentic public sense of my friends upon a business of so much delicacy. I wished to take your opinion along with me, that, if I should give up the contest at the very beginning, my surrender of my post may not seem the effect of inconstancy, or timidity,

or anger, or disgust, or indolence, or any other temper unbecoming a man who has engaged in the public service. If, on the contrary, I should undertake the election, and fail of success, I was full as anxious that it should be manifest to the whole world that the peace of the city had not been broken by my rashness, presumption, or fond conceit of my own merit.

I am not come, by a false and counterfeit show of deference to your judgment, to seduce it in my favour. I ask it seriously and unaffectedly. If you wish that I should retire, I shall not consider that advice as a censure upon my conduct, or an alteration in your sentiments, but as a rational submission to the circumstances of affairs. If, on the contrary, you should think it proper for me to proceed on my canvass, if you will risk the trouble on your part, I will risk it on mine. My pretensions are such as you cannot be ashamed of, whether they succeed or fail.

If you call upon me, I shall solicit the favour of the city upon manly ground. I come before you with the plain confidence of an honest servant in the equity of a candid and discerning master. I come to claim your approbation, not to amuse you with vain apologies, or with professions still more vain and senseless. I have lived too long to be served by apologies, or to stand in need of them. The part I have acted has been in open day; and to hold out to a conduct which stands in that clear and steady light for all its good and all its evil,—to hold out to that conduct the paltry winking tapers of excuses and promises,—I never will do it. They may obscure it with their smoke, but they never can illumine sunshine by such a flame as theirs.

I am sensible that no endeavours have been left untried to injure me in your opinion. But the use of character is to be a shield against calumny. I could wish undoubtedly (if idle wishes were not the most idle of all things) to make every part of my conduct agreeable to every one of my constituents. But in so great a city, and so greatly divided as this is, it is weak to expect it.

In such a discordancy of sentiments it is better to look to the nature of things than to the humours of men. The very attempt towards pleasing everybody discovers a temper always flashy, and often false and insincere. Therefore, as I have proceeded straight onward in my conduct, so I will proceed in my account of those parts of it which have been most excepted to. But I must first beg leave just to hint to you that we may suffer very great detriment by being open to every talker. It is not to be imagined how much of service is lost from spirits full of activity and full of energy, who are pressing, who are rushing forward, to great and capital objects, when you oblige them to be continually looking back. Whilst they are defending one service, they defraud you of a hundred. Applaud us when we run; console us when we fall; cheer us when we recover: but let us pass on—for God's sake, let us pass on!

Do you think, gentlemen, that every public act in the six years since I stood in this place before you,—that all the arduous things which have been done in this eventful period, which has crowded into a few years' space the revolutions of an age,—can be opened to you on their fair grounds in half an hour's conversation.

But it is no reason, because there is a bad mode of inquiry, that there should be no examination at all. Most certainly it is our duty to examine; it is our interest too: but it must be with discretion; with an attention to all the circumstances, and to all the motives; like sound judges, and not like cavilling pettifoggers and quibbling pleaders, prying into flaws and hunting for exceptions. Look, gentlemen, to the *whole tenor* of your member's conduct. Try whether his ambition or his avarice have justled him out of the straight line of duty; or whether that grand foe of the offices of active life, that master-vice in men of business,—a degenerate and inglorious sloth,—has made him flag and languish in his course. This is the object of our inquiry. If our member's conduct can bear this touch, mark it for sterling. He may have fallen into errors: he must have faults; but our error is greater, and our fault is

radically ruinous to ourselves, if we do not bear, if we do not even applaud, the whole compound and mixed mass of such a character. Not to act thus is folly: I had almost said it is impiety. He censures God who quarrels with the imperfections of man.

Gentlemen, we must not be peevish with those who serve the people; for none will serve us, whilst there is a court to serve, but those who are of a nice and jealous honour. They who think everything, in comparison of that honour, to be dust and ashes, will not bear to have it soiled and impaired by those for whose sake they make a thousand sacrifices to preserve it immaculate and whole. We shall either drive such men from the public stage, or we shall send them to the court for protection; where, if they must sacrifice their reputation, they will at least secure their interest. Depend upon it, that the lovers of freedom will be free. None will violate their conscience to please us, in order afterwards to discharge that conscience, which they have violated, by doing us faithful and affectionate service. If we degrade and deprave their minds by servility, it will be absurd to expect that they who are creeping and abject towards us, will ever be bold and incorruptible assertors of our freedom against the most seducing and the most formidable of all powers. No! human nature is not so formed; nor shall we improve the faculties or better the morals of public men by our possession of the most infallible receipt in the world for making cheats and hypocrites.

Let me say, with plainness, I who am no longer in a public character, that if by a fair, by an indulgent, by a gentlemanly behaviour to our representatives, we do not give confidence to their minds, and a liberal scope to their understandings; if we do not permit our members to act upon a *very* enlarged view of things, we shall at length infallibly degrade our national representation into a confused and scuffling bustle of local agency. When the popular member is narrowed in his ideas, and rendered timid in his proceedings, the service of the crown will be the sole nursery of statesmen.

Among the frolics of the court it may at length take that of attending to its business. Then the monopoly of mental power will be added to the power of all other kinds it possesses. On the side of the people there will be nothing but impotence; for ignorance is impotence; narrowness of mind is impotence; timidity is itself impotence, and makes all other qualities that go along with it impotent and useless.

At present it is the plan of the court to make its servants insignificant. If the people should fall into the same humour, and should choose their servants on the same principles of mere obsequiousness and flexibility, and total vacancy or indifference of opinion in all public matters, then no part of the state will be sound; and it will be in vain to think of saving it.

I thought it very expedient at this time to give you this candid counsel; and with this counsel I would willingly close, if the matters which at various times have been objected to me in this city concerned only myself, and my own election. These charges, I think, are four in number;—my neglect of a due attention to my constituents, the not paying more frequent visits here;—my conduct on the affairs of the first Irish trade acts;—my opinion and mode of proceeding on Lord Beauchamp's debtors' bills; and my votes on the late affairs of the Roman Catholics. All of these (except perhaps the first) relate to matters of very considerable public concern; and it is not lest you should censure me improperly, but lest you should form improper opinions on matters of some moment to you, that I trouble you at all upon the subject. My conduct is of small importance.

With regard to the first charge, my friends have spoken to me of it in the style of amicable expostulation; not so much blaming the thing, as lamenting the effects.—Others, less partial to me, were less kind in assigning the motives. I admit, there is a decorum and propriety in a member of parliament's paying a respectful court to his constituents. If I were conscious to myself that pleasure or dissipation, or low unworthy

occupations, had detained me from personal attendance on you, I would readily admit my fault, and quietly submit to the penalty. But, gentlemen, I live at an hundred miles' distance from Bristol; and at the end of a session I come to my own house, fatigued in body and in mind, to a little repose, and to a very little attention to my family and my private concerns. A visit to Bristol is always a sort of canvass; else it will do more harm than good. To pass from the toils of a session to the toils of a canvass, is the furthest thing in the world from repose. I could hardly serve you *as I have done*, and court you too. Most of you have heard, that I do not very remarkably spare myself in *public* business; and in the *private* business of my constituents I have done very nearly as much as those who have nothing else to do. My canvass of you was not on the 'Change, nor in the county meetings, nor in the clubs of this city: it was in the House of Commons; it was at the custom-house; it was at the council; it was at the treasury; it was at the admiralty. I canvassed you through your affairs, and not your persons. I was not only your representative as a body; I was the agent, the solicitor of individuals; I ran about wherever your affairs could call me; and in acting for you, I often appeared rather as a ship-broker, than as a member of parliament. There was nothing too laborious, or too low for me to undertake. The meanness of the business was raised by the dignity of the object. If some lesser matters have slipped through my fingers, it was because I filled my hands too full; and, in my eagerness to serve you, took in more than any hands could grasp. Several gentlemen stand round me who are my willing witnesses; and there are others who, if they were here, would be still better; because they would be unwilling witnesses to the same truth. It was in the middle of a summer residence in London, and in the middle of a negotiation at the admiralty for your trade, that I was called to Bristol; and this late visit, at this late day, has been possibly in prejudice to your affairs.

Since I have touched upon this matter, let me say,

gentlemen, that if I had a disposition, or a right to complain, I have some cause of complaint on my side. With a petition of this city in my hand, passed through the corporation without a dissenting voice, a petition in unison with almost the whole voice of the kingdom (with whose formal thanks I was covered over), while I laboured on no less than five bills for a public reform, and fought against the opposition of great abilities, and of the greatest power, every clause, and every word of the largest of those bills, almost to the very last day of a very long session; all this time a canvass in Bristol was as calmly carried on as if I were dead. I was considered as a man wholly out of the question. Whilst I watched, and fasted, and sweated in the House of Commons—by the most easy and ordinary arts of elections, by dinners and visits, by 'How do you do's,' and 'My worthy friends,' I was to be quietly moved out of my seat—and promises were made, and engagements entered into, without any exception or reserve, as if my laborious zeal in my duty had been a regular abdication of my trust.

To open my whole heart to you on this subject, I do confess, however, that there were other times besides the two years in which I did visit you, when I was not wholly without leisure for repeating that mark of my respect. But I could not bring my mind to see you. You remember, that in the beginning of this American war (that era of calamity, disgrace, and downfall, an era which no feeling mind will ever mention without a tear for England) you were greatly divided; and a very strong body, if not the strongest, opposed itself to the madness which every art and every power were employed to render popular, in order that the errors of the rulers might be lost in the general blindness of the nation. This opposition continued until after our great, but most unfortunate victory at Long Island. Then all the mounds and banks of our constancy were borne down at once; and the frenzy of the American war broke in upon us like a deluge. This victory, which seemed to put an immediate end to all difficulties, per-

fected us in that spirit of domination which our unparalleled prosperity had but too long nurtured. We had been so very powerful, and so very prosperous, that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends; and our headlong desires became our politics and our morals. All men who wished for peace, or retained any sentiments of moderation, were overborne or silenced; and this city was led by every artifice (and probably with the more management, because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of your and of my mind, I should have sooner fled to the extremities of the earth, than have shown myself here. I, who saw in every American victory (for you have had a long series of these misfortunes) the germ and seed of the naval power of France and Spain, which all our heat and warmth against America was only hatching into life,—I should not have been a welcome visitor with the brow and the language of such feelings. When, afterwards, the other face of your calamity was turned upon you, and showed itself in defeat and distress, I shunned you full as much. I felt sorely this variety in our wretchedness; and I did not wish to have the least appearance of insulting you with that show of superiority, which, though it may not be assumed, is generally suspected in a time of calamity, from those whose previous warnings have been despised. I could not bear to show you a representative whose face did not reflect that of his constituents; a face that could not joy in your joys, and sorrow in your sorrows. But time at length has made us all of one opinion; and we have all opened our eyes on the true nature of the American war, to the true nature of all its successes and all its failures.

In that public storm, too, I had my private feelings. I had seen blown down and prostrate on the ground several of those houses to whom I was chiefly indebted for the honour this city has done me. I confess, that, whilst the wounds of those I loved were yet green,

I could not bear to show myself in pride and triumph in that place into which their partiality had brought me, and to appear at feasts and rejoicings, in the midst of the grief and calamity of my warm friends, my zealous supporters, my generous benefactors. This is a true, unvarnished, undisguised state of the affair. You will judge of it.

This is the only one of the charges in which I am personally concerned. As to the other matters objected against me, which in their turn I shall mention to you, remember once more I do not mean to extenuate or excuse. Why should I, when the things charged are among those upon which I found all my reputation? What would be left to me, if I myself was the man, who softened, and blended, and diluted, and weakened, all the distinguishing colours of my life, so as to leave nothing distinct and determinate in my whole conduct?

It has been said, and it is the second charge, that in the question of the Irish trade, I did not consult the interest of my constituents; or, to speak out strongly, that I rather acted as a native of Ireland, than as an English member of parliament.

I certainly have very warm good wishes for the place of my birth. But the sphere of my duties is my true country. It was, as a man attached to your interests, and zealous for the conservation of your power and dignity, that I acted on that occasion, and on all occasions. You were involved in the American war. A new world of policy was opened, to which it was necessary we should conform, whether we would or not; and my only thought was how to conform to our situation in such a manner as to unite to this kingdom, in prosperity and in affection, whatever remained of the empire. I was true to my old, standing, invariable principle, that all things which came from Great Britain should issue as a gift of her bounty and beneficence, rather than as claims recovered against a struggling litigant; or at least, that if your beneficence obtained no credit in your concessions, yet that they should appear the salutary provisions of your wisdom and

foresight; not as things wrung from you with your blood by the cruel gripe of a rigid necessity. The first concessions, by being (much against my will) mangled and stripped of the parts which were necessary to make out their just correspondence and connexion in trade, were of no use. The next year a feeble attempt was made to bring the thing into better shape. This attempt (countenanced by the minister) on the very first appearance of some popular uneasiness, was, after a considerable progress through the House, thrown out by *him*.

What was the consequence? The whole kingdom of Ireland was instantly in a flame. Threatened by foreigners, and, as they thought, insulted by England, they resolved at once to resist the power of France, and to cast off yours. As for us, we were able neither to protect nor to restrain them. Forty thousand men were raised and disciplined without commission from the crown. Two illegal armies were seen with banners displayed at the same time and in the same country. No executive magistrate, no judicature in Ireland, would acknowledge the legality of the army which bore the king's commission; and no law, or appearance of law, authorized the army commissioned by itself. In this unexampled state of things, which the least error, the least trespass on the right or left, would have hurried down the precipice into an abyss of blood and confusion, the people of Ireland demand a freedom of trade with arms in their hands. They interdict all commerce between the two nations. They deny all new supply in the House of Commons, although in time of war. They stint the trust of the old revenue, given for two years to all the king's predecessors, to six months. The British parliament, in a former session, frightened into a limited concession by the menaces of Ireland, frightened out of it by the menaces of England, were now frightened back again, and made an universal surrender of all that had been thought the peculiar, reserved, uncommunicable rights of England; —the exclusive commerce of America, of Africa, of the

West Indies—all the enumerations of the acts of navigation—all the manufactures—iron, glass, even the last pledge of jealousy and pride, the interest hid in the secret of our hearts, the inveterate prejudice moulded into the constitution of our frame, even the sacred fleece itself, all went together. No reserve; no exception; no debate; no discussion. A sudden light broke in upon us all. It broke in, not through well-contrived and well-disposed windows, but through flaws and breaches; through the yawning chasms of our ruin. We were taught wisdom by humiliation. No town in England presumed to have a prejudice; or dared to mutter a petition. What was worse, the whole parliament of England, which retained authority for nothing but surrenders, was despoiled of every shadow of its superintendence. It was, without any qualification, denied in theory, as it had been trampled upon in practice. This scene of shame and disgrace has, in a manner whilst I am speaking, ended by the perpetual establishment of a military power in the dominions of this crown, without consent of the British legislature,[1] contrary to the policy of the constitution, contrary to the declaration of right: and by this your liberties are swept away along with your supreme authority—and both, linked together from the beginning, have, I am afraid, both together perished, for ever.

What! gentlemen, was I not to foresee, or foreseeing, was I not to endeavour to save you from all these multiplied mischiefs and disgraces? Would the little, silly, canvass prattle of obeying instructions, and having no opinions but yours, and such idle senseless tales, which amuse the vacant ears of unthinking men, have saved you from 'the pelting of that pitiless storm,' to which the loose improvidence, the cowardly rashness, of those who dare not look danger in the face, so as to provide against it in time, and therefore throw themselves headlong into the midst of it, have exposed this degraded nation, beaten down and prostrate on the earth, unsheltered, unarmed, unresisting? Was I an Irishman

[1] Irish Perpetual Mutiny Act.

on that day, that I boldly withstood our pride, or on the day that I hung down my head, and wept in shame and silence over the humiliation of Great Britain? I became unpopular in England for the one, and in Ireland for the other. What then? What obligation lay on me to be popular? I was bound to serve both kingdoms. To be pleased with my service was their affair, not mine.

I was an Irishman in the Irish business, just as much as I was an American, when, on the same principles, I wished you to concede to America at a time when she prayed concession at our feet. Just as much was I an American, when I visited parliament to offer terms in victory, and not to wait the well-chosen hour of defeat, for making good by weakness, and by supplication, a claim of prerogative, pre-eminence, and authority.

Instead of requiring it from me, as a point of duty, to kindle with your passions, had you all been as cool as I was, you would have been saved from disgraces and distresses that are unutterable. Do you remember our commission? We sent out a solemn embassy across the Atlantic ocean, to lay the crown, the peerage, the commons of Great Britain, at the feet of the American congress. That our disgrace might want no sort of brightening and burnishing, observe who they were that composed this famous embassy! My Lord Carlisle is among the first ranks of our nobility. He is the identical man who, but two years before, had been put forward, at the opening of a session in the House of Lords, as the mover of a haughty and rigorous address against America. He was put in the front of the embassy of submission. Mr. Eden was taken from the office of Lord Suffolk, to whom he was then under secretary of state; from the office of that Lord Suffolk, who but a few weeks before, in his place in parliament, did not deign to inquire where a congress of vagrants was to be found. This Lord Suffolk sent Mr. Eden to find these vagrants, without knowing where this king's generals were to be found, who were joined in the same commission of supplicating those whom they were sent

to subdue. They enter the capital of America only to abandon it; and these assertors and representatives of the dignity of England, at the tail of a flying army, let fly their Parthian shafts of memorials and remonstrances at random behind them. Their promises and their offers, their flatteries and their menaces, were all despised; and we were saved from the disgrace of their formal reception, only because the congress scorned to receive them; whilst the state-house of independent Philadelphia opened her doors to the public entry of the ambassador of France. From war and blood we went to submission; and from submission plunged back again to war and blood; to desolate and be desolated, without measure, hope, or end. I am a Royalist, I blushed for this degradation of the crown. I am a Whig, I blushed for the dishonour of parliament. I am a true Englishman, I felt to the quick for the disgrace of England. I am a man, I felt for the melancholy reverse of human affairs, in the fall of the first power in the world.

To read what was approaching in Ireland, in the black and bloody characters of the American war, was a painful, but it was a necessary part of my public duty. For, gentlemen, it is not your fond desires or mine that can alter the nature of things; by contending against which, what have we got, or shall ever get, but defeat and shame? I did not obey your instructions: No. I conformed to the instructions of truth and nature, and maintained your interest, against your opinions, with a constancy that became me. A representative worthy of you ought to be a person of stability. I am to look, indeed, to your opinions; but to such opinions as you and I *must* have five years hence. I was not to look to the flash of the day. I knew that you chose me, in my place, along with others, to be a pillar of the state, and not a weather-cock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale. Would to God the value of my sentiments on Ireland and on America had been at this day a subject of doubt and

discussion! No matter what my sufferings had been, so that this kingdom had kept the authority I wished it to maintain, by a grave foresight, and by an equitable temperance in the use of its power.

The next article of charge on my public conduct, and that which I find rather the most prevalent of all, is, Lord Beauchamp's bill. I mean his bill of last session, for reforming the law-process concerning imprisonment. It is said, to aggravate the offence, that I treated the petition of this city with contempt even in presenting it to the House, and expressed myself in terms of marked disrespect. Had this latter part of the charge been true, no merits on the side of the question which I took could possibly excuse me But I am incapable of treating this city with disrespect. Very fortunately, at this minute (if my bad eyesight does not deceive me) the worthy gentleman [1] deputed on this business stands directly before me. To him I appeal, whether I did not, though it militated with my oldest and my most recent public opinions, deliver the petition with a strong, and more than usual recommendation to the consideration of the House, on account of the character and consequence of those who signed it. I believe the worthy gentleman will tell you, that, the very day I received it, I applied to the solicitor, now the attorney-general, to give it an immediate consideration; and he most obligingly and instantly consented to employ a great deal of his very valuable time to write an explanation of the bill. I attended the committee with all possible care and diligence, in order that every objection of yours might meet with a solution; or produce an alteration. I entreated your learned recorder (always ready in business in which you take a concern) to attend. But what will you say to those who blame me for supporting Lord Beauchamp's bill, as a disrespectful treatment of your petition, when you hear, that out of respect for you, I myself was the cause of the loss of that very bill? For the noble lord who brought it in, and who, I must say, has much merit for

[1] Mr. Williams.

this and some other measures, at my request consented to put it off for a week, which the speaker's illness lengthened to a fortnight; and then the frantic tumult about popery drove that and every rational business from the House. So that if I chose to make a defence of myself, on the little principles of a culprit, pleading in his exculpation, I might not only secure my acquittal, but make merit with the opposers of the bill. But I shall do no such thing. The truth is, that I did occasion the loss of the bill, and by a delay caused by my respect to you. But such an event was never in my contemplation. And I am so far from taking credit for the defeat of that measure, that I cannot sufficiently lament my misfortune, if but one man, who ought to be at large, has passed a year in prison by my means. I am a debtor to the debtors. I confess judgment. I owe what, if ever it be in my power, I shall most certainly pay,—ample atonement and usurious amends to liberty and humanity for my unhappy lapse. For, gentlemen, Lord Beauchamp's bill was a law of justice and policy, as far as it went; I say as far as it went, for its fault was its being, in the remedial part, miserably defective.

There are two capital faults in our law with relation to civil debts. One is, that every man is presumed solvent. A presumption, in innumerable cases, directly against truth. Therefore the debtor is ordered, on a supposition of ability and fraud, to be coerced his liberty until he makes payment. By this means, in all cases of civil insolvency, without a pardon from his creditor, he is to be imprisoned for life:—and thus a miserable mistaken invention of artificial science operates to change a civil into a criminal judgment, and to scourge misfortune or indiscretion with a punishment which the law does not inflict on the greatest crimes.

The next fault is, that the inflicting of that punishment is not on the opinion of an equal and public judge; but is referred to the arbitrary discretion of a private, nay interested, and irritated individual. He, who formally is, and substantially ought to be, the judge, is in reality no more than ministerial, a mere executive instrument

of a private man, who is at once judge and party. Every idea of judicial order is subverted by this procedure. If the insolvency be no crime, why is it punished with arbitrary imprisonment? If it be a crime, why is it delivered into private hands to pardon without discretion, or to punish without mercy and without measure?

To these faults, gross and cruel facts in our law, the excellent principle of Lord Beauchamp's bill applied some sort of remedy. I know that credit must be preserved; but equity must be preserved too; and it is impossible that anything should be necessary to commerce, which is inconsistent with justice. The principle of credit was not weakened by that bill. God forbid! The enforcement of that credit was only put into the same public judicial hands on which we depend for our lives, and all that makes life dear to us. But, indeed, this business was taken up too warmly both here and elsewhere. The bill was extremely mistaken. It was supposed to enact what it never enacted; and complaints were made of clauses in it as novelties, which existed before the noble lord that brought in the bill was born. There was a fallacy that ran through the whole of the objections. The gentlemen who opposed the bill always argued, as if the option lay between that bill and the ancient law. But this is a grand mistake. For, practically, the option is between, not that bill and the old law, but between that bill and those occasional laws, called acts of grace. For the operation of the old law is so savage, and so inconvenient to society, that for a long time past, once in every parliament, and lately twice, the legislature has been obliged to make a general arbitrary jail-delivery, and at once to set open, by its sovereign authority, all the prisons in England.

Gentlemen, I never relished acts of grace; nor ever submitted to them but from despair of better. They are a dishonourable invention, by which, not from humanity, not from policy, but merely because we have not room enough to hold these victims of the absurdities of our laws, we turn loose upon the public three or four

thousand naked wretches, corrupted by the habits, debased by the ignominy, of a prison. If the creditor had a right to those carcases as a natural security for his property, I am sure we have no right to deprive him of that security. But if the few pounds of flesh were not necessary to his security, we had not a right to detain the unfortunate debtor, without any benefit at all to the person who confined him. Take it as you will, we commit injustice. Now Lord Beauchamp's bill intended to do deliberately, and with great caution and circumspection, upon each several case, and with all attention to the just claimant, what acts of grace do in a much greater measure, and with very little care, caution, or deliberation.

I suspect that here too, if we contrive to oppose this bill, we shall be found in a struggle against the nature of things. For as we grow enlightened, the public will not bear, for any length of time, to pay for the maintenance of whole armies of prisoners, nor, at their own expense, submit to keep jails as a sort of garrisons, merely to fortify the absurd principle of making men judges in their own cause. For credit has little or no concern in this cruelty. I speak in a commercial assembly. You know that credit is given, because capital *must* be employed; that men calculate the chances of insolvency; and they either withhold the credit, or make the debtor pay the risk in the price. The counting-house has no alliance with the jail. Holland understands trade as well as we, and she has done much more than this obnoxious bill intended to do. There was not, when Mr. Howard visited Holland, more than one prisoner for debt in the great city of Rotterdam. Although Lord Beauchamp's act (which was previous to this bill, and intended to feel the way for it) has already preserved liberty to thousands; and though it is not three years since the last act of grace passed, yet by Mr. Howard's last account, there were near three thousand again in jail. I cannot name this gentleman without remarking that his labours and writings have done much to open the eyes and hearts of mankind.

He has visited all Europe,—not to survey the sumptuousness of palaces, or the stateliness of temples; not to make accurate measurements of the remains of ancient grandeur, nor to form a scale of the curiosity of modern art; not to collect medals, or collate manuscripts:—but to dive into the depths of dungeons; to plunge into the infection of hospitals; to survey the mansions of sorrow and pain; to take the gauge and dimensions of misery, depression, and contempt; to remember the forgotten, to attend to the neglected, to visit the forsaken, and to compare and collate the distresses of all men in all countries. His plan is original; and it is as full of genius as it is of humanity. It was a voyage of discovery; a circumnavigation of charity. Already the benefit of his labour is felt more or less in every country; I hope he will anticipate his final reward, by seeing all its effects fully realized in his own. He will receive, not by detail, but in gross, the reward of those who visit the prisoner; and he has so forestalled and monopolized this branch of charity, that there will be, I trust, little room to merit by such acts of benevolence hereafter.

Nothing now remains to trouble you with, but the fourth charge against me—the business of the Roman Catholics. It is a business closely connected with the rest. They are all on one and the same principle. My little scheme of conduct, such as it is, is all arranged. I could do nothing but what I have done on this subject, without confounding the whole train of my ideas, and disturbing the whole order of my life. Gentlemen, I ought to apologize to you for seeming to think anything at all necessary to be said upon this matter. The calumny is fitter to be scrawled with the midnight chalk of incendiaries, with 'No popery', on walls and doors of devoted houses, than to be mentioned in any civilized company. I had heard that the spirit of discontent on that subject was very prevalent here. With pleasure I find that I have been grossly misinformed. If it exists at all in this city, the laws have crushed its exertions, and our morals have shamed its appearance

in daylight. I have pursued this spirit wherever I could trace it; but it still fled from me. It was a ghost which all had heard of, but none had seen. None would acknowledge that he thought the public proceeding with regard to our Catholic dissenters to be blamable; but several were sorry it had made an ill impression upon others, and that my interest was hurt by my share in the business. I find with satisfaction and pride, that not above four or five in this city (and I dare say these misled by some gross misrepresentation) have signed that symbol of delusion and bond of sedition, that libel on the national religion and the English character, the Protestant Association. It is therefore, gentlemen, not by way of cure, but of prevention, and lest the arts of wicked men may prevail over the integrity of any one amongst us, that I think it necessary to open to you the merits of this transaction pretty much at large; and I beg your patience upon it: for, although the reasonings that have been used to depreciate the act are of little force, and though the authority of the men concerned in this ill design is not very imposing; yet the audaciousness of these conspirators against the national honour, and the extensive wickedness of their attempts, have raised persons of little importance to a degree of evil eminence, and imparted a sort of sinister dignity to proceedings that had their origin in only the meanest and blindest malice.

In explaining to you the proceedings of parliament which have been complained of, I will state to you,—first, the thing that was done;—next, the persons who did it;— and lastly, the grounds and the reasons upon which the legislature proceeded in this deliberate act of public justice and public prudence.

Gentlemen, the condition of our nature is such, that we buy our blessings at a price. The Reformation, one of the greatest periods of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny, which had been for ages in rearing, and which was combined with the interest of the great and of the many, which was moulded into the

laws, the manners, and civil institutions of nations, and blended with the frame and policy of states, could not be brought to the ground without a fearful struggle; nor could it fall without a violent concussion of itself and all about it. When this great revolution was attempted in a more regular mode of government, it was opposed by plots and seditions of the people; when by popular efforts, it was repressed as rebellion by the hand of power; and bloody executions (often bloodily returned) marked the whole of its progress through all its stages. The affairs of religion, which are no longer heard of in the tumult of our present contentions, made a principal ingredient in the wars and politics of that time; the enthusiasm of religion threw a gloom over the politics; and political interests poisoned and perverted the spirit of religion upon all sides. The Protestant religion in that violent struggle, infected, as the Popish had been before, by worldly interests and worldly passions, became a persecutor in its turn, sometimes of the new sects, which carried their own principles further than it was convenient to the original reformers; and always of the body from whom they parted: and this persecuting spirit arose, not only from the bitterness of retaliation, but from the merciless policy of fear.

It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this be done, the Reformation is not complete; and those who think themselves good Protestants, from their animosity to others, are in that respect no Protestants at all. It was at first thought necessary, perhaps, to oppose to popery another popery, to get the better of it. Whatever was the cause, laws were made in many countries, and in this kingdom in particular, against Papists, which are as bloody as any of those which had been enacted by the popish princes and states; and where those laws were not bloody, in my opinion, they were worse; as they were slow,

cruel outrages on our nature, and kept men alive only to insult in their persons every one of the rights and feelings of humanity. I pass those statutes, because I would spare your pious ears the repetition of such shocking things; and I come to that particular law, the repeal of which has produced so many unnatural and unexpected consequences.

A statute was fabricated in the year 1699, by which the saying mass (a church-service in the Latin tongue, not exactly the same as our liturgy, but very near it, and containing no offence whatsoever against the laws, or against good morals) was forged into a crime, punishable with perpetual imprisonment. The teaching school, a useful and virtuous occupation, even the teaching in a private family, was in every Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what nature refused, to inform and prosecute on this law. Every Roman Catholic was, under the same act, to forfeit his estate to his nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy, what the law had transferred to the kinsman as the recompense of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other by any industry, donation, or charity; but was rendered a foreigner in his native land, only because he retained the religion, along with the property, handed down to him from those who had been the old inhabitants of that land before him.

Does any one who hears me approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say it, and I am ready to discuss the point with temper and candour. But instead of approving, I perceive a virtuous indignation beginning to rise in your minds on the mere cold stating of the statute.

But what will you feel, when you know from history how this statute passed, and what were the motives,

and what the mode of making it? A party in this nation, enemies to the system of the Revolution, were in opposition to the government of King William. They knew that our glorious deliverer was an enemy to all persecution. They knew that he came to free us from slavery and popery, out of a country, where a third of the people are contented Catholics under a Protestant government. He came with a part of his army composed of those very Catholics, to overset the power of a popish prince. Such is the effect of a tolerating spirit: and so much is liberty served in every way, and by all persons, by a manly adherence to its own principles. Whilst freedom is true to itself, every thing becomes subject to it; and its very adversaries are an instrument in its hands.

The party I speak of (like some amongst us who would disparage the best friends of their country) resolved to make the king either violate his principles of toleration, or incur the odium of protecting Papists. They, therefore, brought in this bill, and made it purposely wicked and absurd that it might be rejected. The then court-party, discovering their game, turned the tables on them, and returned their bill to them stuffed with still greater absurdities, that its loss might lie upon its original authors. They, finding their own ball thrown back to them, kicked it back again to their adversaries. And thus this act, loaded with the double injustice of two parties, neither of whom intended to pass, what they hoped the other would be persuaded to reject, went through the legislature, contrary to the real wish of all parts of it, and of all the parties that composed it. In this manner these insolent and profligate factions, as if they were playing with balls and counters, made a sport of the fortunes and the liberties of their fellow creatures. Other acts of persecution have been acts of malice. This was a subversion of justice from wantonness and petulance. Look into the history of Bishop Burnet. He is a witness without exception.

The effects of the act have been as mischievous, as its origin was ludicrous and shameful. From that

time every person of that communion, lay and ecclesiastic, has been obliged to fly from the face of day. The clergy, concealed in garrets of private houses, or obliged to take a shelter (hardly safe to themselves, but infinitely dangerous to their country) under the privileges of foreign ministers, officiated as their servants, and under their protection. The whole body of the Catholics, condemned to beggary and to ignorance in their native land, have been obliged to learn the principles of letters, at the hazard of all their other principles, from the charity of your enemies. They have been taxed to their ruin at the pleasure of necessitous and profligate relations, and according to the measure of their necessity and profligacy. Examples of this are many and affecting. Some of them are known by a friend who stands near me in this hall. It is but six or seven years since a clergyman, of the name of Malony, a man of morals, neither guilty nor accused of anything noxious to the state, was condemned to perpetual imprisonment for exercising the functions of his religion; and after laying in jail two or three years, was relieved by the mercy of government from perpetual imprisonment, on condition of perpetual banishment. A brother of the Earl of Shrewsbury, a Talbot, a name respectable in this country, whilst its glory is any part of its concern, was hauled to the bar of the Old Bailey, among common felons, and only escaped the same doom, either by some error in the process, or that the wretch who brought him there could not correctly describe his person: I now forget which.—In short, the persecution would never have relented for a moment, if the judges, superseding (though with an ambiguous example) the strict rule of their artificial duty by the higher obligation of their conscience, did not constantly throw every difficulty in the way of such informers. But so ineffectual is the power of legal evasion against legal iniquity, that it was but the other day, that a lady of condition, beyond the middle of life, was on the point of being stripped of her whole fortune by a near relation, to whom she had been a friend and benefactor; and

she must have been totally ruined, without a power of redress or mitigation from the courts of law, had not the legislature itself rushed in, and by a special act of parliament rescued her from the injustice of its own statutes. One of the acts authorizing such things was that which we in part repealed, knowing what our duty was; and doing that duty as men of honour and virtue, as good Protestants, and as good citizens. Let him stand forth that disapproves what we have done!

Gentleman, bad laws are the worst sort of tyranny. In such a country as this they are of all bad things the worst, worse by far than any where else; and they derive a particular malignity even from the wisdom and soundness of the rest of our institutions. For very obvious reasons you cannot trust the crown with a dispensing power over any of your laws. However, a government, be it as bad as it may, will, in the exercise of a discretionary power, discriminate times and persons; and will not ordinarily pursue any man, when its own safety is not concerned. A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

In this situation men not only shrink from the frowns of a stern magistrate; but they are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable are perverted into instruments of terror and torment. This species of universal subserviency, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind, which alone can make us

what we ought to be, that I vow to God I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with jail-distemper of a contagious servitude, to keep him above ground an animated mass of putrefaction, corrupted himself, and corrupting all about him.

The act repealed was of this direct tendency; and it was made in the manner which I have related to you. I will now tell you by whom the bill of repeal was brought into parliament. I find it has been industriously given out in this city (from kindness to me, unquestionably) that I was the mover or the seconder. The fact is, I did not once open my lips on the subject during the whole progress of the bill. I do not say this as disclaiming my share in that measure. Very far from it. I inform you of this fact, lest I should seem to arrogate to myself the merits which belong to others. To have been the man chosen out to redeem our fellow-citizens from slavery; to purify our laws from absurdity and injustice; and to cleanse our religion from the blot and stain of persecution, would be an honour and happiness to which my wishes would undoubtedly aspire; but to which nothing but my wishes could have possibly entitled me. That great work was in hands in every respect far better qualified than mine. The mover of the bill was Sir George Savile.

When an act of great and signal humanity was to be done, and done with all the weight and authority that belonged to it, the world could cast its eyes upon none but him. I hope that few things which have a tendency to bless or to adorn life have wholly escaped my observation in my passage through it. I have sought the acquaintance of that gentleman, and have seen him in all situations. He is a true genius; with an understanding vigorous, and acute, and refined, and distinguishing even to excess; and illuminated with a most unbounded, peculiar, and original cast of imagination. With these

he possesses many external and instrumental advantages; and he makes use of them all. His fortune is among the largest; a fortune which, wholly unincumbered, as it is, with one single charge from luxury, vanity, or excess, sinks under the benevolence of its dispenser. This private benevolence, expanding itself into patriotism, renders his whole being the estate of the public, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session, the first in, and the last out of the House of Commons; he passes from the senate to the camp; and seldom seeing the seat of his ancestors, he is always in the senate to serve his country, or in the field to defend it. But in all well-wrought compositions, some particulars stand out more eminently than the rest; and the things which will carry his name to posterity, are his two bills; I mean that for a limitation of the claims of the crown upon landed estates; and this for the relief of the Roman Catholics. By the former, he has emancipated property; by the latter he has quieted conscience; and by both he has taught the grand lesson to government and subject,—no longer to regard each other as adverse parties.

Such was the mover of the act that is complained of by men, who are not quite so good as he is; an act, most assuredly not brought in by him from any partiality to the sect which is the object of it. For, among his faults, I really cannot help reckoning a greater degree of prejudice against that people, than becomes so wise a man. I know that he inclines to a sort of disgust, mixed with a considerable degree of asperity, to the system; and he has few, or rather no habits with any of its professors. What he has done was on quite other motives. The motives were these, which he declared in his excellent speech on his motion for the bill; namely, his extreme zeal to the Protestant religion, which he thought utterly disgraced by the act of 1699; and his rooted hatred to all kinds of oppression, under any colour, or upon any pretence whatsoever.

The seconder was worthy of the mover, and of the

motion. I was not the seconder; it was Mr. Dunning, recorder of this city. I shall say the less of him, because his near relation to you makes you more particularly acquainted with his merits. But I should appear little acquainted with them, or little sensible of them, if I could utter his name on this occasion without expressing my esteem for his character. I am not afraid of offending a most learned body, and most jealous of its reputation for that learning, when I say he is the first of his profession. It is a point settled by those who settle every thing else; and I must add (what I am enabled to say from my own long and close observation) that there is not a man of any profession, or in any situation, of a more erect and independent spirit; of a more proud honour; a more manly mind; a more firm and determined integrity. Assure yourselves, that the names of two such men will bear a great load of prejudice in the other scale before they can be entirely outweighed.

With this mover, and this seconder, agreed the *whole* House of Commons; the *whole* House of Lords; the *whole* bench of bishops; the king; the ministry; the opposition; all the distinguished clergy of the establishment; all the eminent lights (for they were consulted) of the dissenting churches. This according voice of national wisdom ought to be listened to with reverence. To say that all these descriptions of Englishmen unanimously concurred in a scheme for introducing the Catholic religion, or that none of them understood the nature and effects of what they were doing so well as a few obscure clubs of people, whose names you never heard of, is shamelessly absurd. Surely it is paying a miserable compliment to the religion we profess, to suggest, that every thing eminent in the kingdom is indifferent, or even adverse to that religion, and that its security is wholly abandoned to the zeal of those, who have nothing but their zeal to distinguish them. In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect, that all these concurring parties do by no means love one

another enough to agree in any point, which was not, both evidently and importantly, right.

To prove this; to prove that the measure was both clearly and materially proper, I will next lay before you (as I promised) the political grounds and reasons for the repeal of that penal statute; and the motives to its repeal at that particular time.

Gentlemen, America—when the English nation seemed to be dangerously, if not irrecoverably divided; when one, and that the most growing branch, was torn from the parent stock, and ingrafted on the power of France, a great terror fell upon this kingdom. On a sudden we awakened from our dreams of conquest, and saw ourselves threatened with an immediate invasion; which we were at that time very ill-prepared to resist. You remember the cloud that gloomed over us all. In that hour of our dismay, from the bottom of the hiding-places, into which the indiscriminate rigour of our statutes had driven them, came out the body of the Roman Catholics. They appeared before the steps of a tottering throne, with one of the most sober, measured, steady, and dutiful addresses that was ever presented to the crown. It was no holiday ceremony; no anniversary compliment of parade and show. It was signed by almost every gentleman of that persuasion, of note or property in England. At such a crisis, nothing but a decided resolution to stand or fall with their country could have dictated such an address; the direct tendency of which was to cut off all retreat; and to render them peculiarly obnoxious to an invader of their own communion. The address showed what I long languished to see, that all the subjects of England had cast off all foreign views and connexions, and that every man looked for his relief from every grievance, at the hands only of his own natural government.

It was necessary, on our part, that the natural government should show itself worthy of that name. It was necessary, at the crisis I speak of, that the supreme power of the state should meet the conciliatory dispositions of the subject. To delay protection would

be to reject allegiance. And why should it be rejected, or even coldly and suspiciously received? If any independent Catholic state should choose to take part with this kingdom in a war with France and Spain, that bigot (if such a bigot could be found) would be heard with little respect, who could dream of objecting his religion to an ally, whom the nation would not only receive with its freest thanks, but purchase with the last remains of its exhausted treasure. To such an ally we should not dare to whisper a single syllable of those base and invidious topics, upon which some unhappy men would persuade the state to reject the duty and allegiance of its own members. Is it then because foreigners are in a condition to set our malice at defiance, that with *them*, we are willing to contract engagements of friendship, and to keep them with fidelity and honour: but that, because we conceive some descriptions of our countrymen are not powerful enough to punish our malignity, we will not permit them to support our common interest? Is it on that ground, that our anger is to be kindled by their offered kindness? Is it on that ground, that they are to be subjected to penalties, because they are willing, by actual merit, to purge themselves from imputed crimes? Lest by an adherence to the cause of their country, they should acquire a title to fair and equitable treatment, are we to furnish them with causes of eternal enmity; and rather supply them with just and founded motives to disaffection, than not to have that disaffection in existence to justify an oppression, which, not from policy but disposition, we have predetermined to exercise?

What shadow of reason could be assigned, why, at a time when the most Protestant part of this Protestant empire found it for its advantage to unite with the two principal Popish states, to unite itself in the closest bonds with France and Spain, for our destruction, that we should refuse to unite with our own Catholic countrymen for our own preservation? Ought we, like madmen, to tear off the plasters, that the lenient hand of

prudence had spread over the wounds and gashes, which in our delirium of ambition we had given to our own body? No person ever reprobated the American war more than I did, and do, and ever shall. But I never will consent that we should lay additional voluntary penalties on ourselves, for a fault which carries but too much of its own punishment in its own nature. For one, I was delighted with the proposal of internal peace. I accepted the blessing with thankfulness and transport; I was truly happy to find *one* good effect of our civil distractions, that they had put an end to all religious strife and heart-burning in our own bowels. What must be the sentiments of a man, who would wish to perpetuate domestic hostility, when the causes of dispute are at an end; and who, crying out for peace with one part of the nation on the most humiliating terms, should deny it to those, who offer friendship without any terms at all?

But if I was unable to reconcile such a denial to the contracted principles of local duty, what answer could I give to the broad claims of general humanity? I confess to you freely, that the sufferings and distresses of the people of America in this cruel war, have at times affected me more deeply than I can express. I felt every Gazette of triumph as a blow upon my heart, which has a hundred times sunk and fainted within me at all the mischiefs brought upon those who bear the whole brunt of war in the heart of their country. Yet the Americans are utter strangers to me; a nation among whom I am not sure that I have a single acquaintance. Was I to suffer my mind to be so unaccountably warped; was I to keep such iniquitous weights and measures of temper and of reason, as to sympathize with those who are in open rebellion against an authority which I respect, at war with a country which by every title ought to be, and is most dear to me; and yet to have no feeling at all for the hardships and indignities suffered by men, who, by their very vicinity, are bound up in a nearer relation to us; who contribute their share, and more than their

share, to the common prosperity; who perform the common offices of social life, and who obey the laws to the full as well as I do? Gentlemen, the danger to the state being out of the question (of which, let me tell you, statesmen themselves are apt to have but too exquisite a sense), I could assign no one reason of justice, policy, or feeling, for not concurring most cordially, as most cordially I did concur, in softening some part of that shameful servitude, under which several of my worthy fellow-citizens were groaning.

Important effects followed this act of wisdom. They appeared at home and abroad, to the great benefit of this kingdom; and, let me hope, to the advantage of mankind at large. It betokened union among ourselves. It showed soundness, even on the part of the persecuted, which generally is the weak side of every community. But its most essential operation was not in England. The act was immediately, though very imperfectly, copied in Ireland; and this imperfect transcript of an imperfect act, this first faint sketch of toleration, which did little more than disclose a principle, and mark out a disposition, completed in a most wonderful manner the re-union to the state, of all the Catholics of that country. It made us what we ought always to have been, one family, one body, one heart and soul, against the family-combination, and all other combinations of our enemies. We have indeed obligations to that people, who received such small benefits with so much gratitude; and for which gratitude and attachment to us, I am afraid they have suffered not a little in other places.

I dare say you have all heard of the privileges indulged to the Irish Catholics residing in Spain. You have likewise heard with what circumstances of severity they have been lately expelled from the sea-ports of that kingdom; driven into the inland cities; and there detained as a sort of prisoners of state. I have good reason to believe, that it was the zeal to our government and our cause (somewhat indiscreetly expressed in one of the addresses of the Catholics of Ireland), which has

thus drawn down on their heads the indignation of the court of Madrid; to the inexpressible loss of several individuals, and, in future, perhaps to the great detriment of the whole of their body. Now that our people should be persecuted in Spain for their attachment to this country, and persecuted in this country for their supposed enmity to us, is such a jarring reconciliation of contradictory distresses, is a thing at once so dreadful and ridiculous, that no malice short of diabolical would wish to continue any human creatures in such a situation. But honest men will not forget either their merit or their sufferings. There are men (and many, I trust, there are) who, out of love to their country and their kind, would torture their invention to find excuses for the mistakes of their brethren; and who, to stifle dissension, would construe even doubtful appearances with the utmost favour: such men will never persuade themselves to be ingenious and refined in discovering disaffection and treason in the manifest, palpable signs of suffering loyalty. Persecution is so unnatural to them, that they gladly snatch the very first opportunity of laying aside all the tricks and devices of penal politics; and of returning home, after all their irksome and vexatious wanderings, to our natural family mansion, to the grand social principle, that unites all men, in all descriptions, under the shadow of an equal and impartial justice.

Men of another sort, I mean the bigotted enemies to liberty, may, perhaps, in their politics, make no account of the good or ill affection of the Catholics of England, who are but a handful of people (enough to torment, but not enough to fear), perhaps not so many, of both sexes and of all ages, as fifty thousand. But, gentlemen, it is possible you may not know, that the people of that persuasion in Ireland amount at least to sixteen or seventeen hundred thousand souls. I do not at all exaggerate the number. A *nation* to be persecuted! Whilst we were masters of the sea, embodied with America, and in alliance with half the powers of the Continent, we might perhaps, in that remote corner of

Europe, afford to tyrannize with impunity. But there is a revolution in our affairs, which makes it prudent to be just. In our late awkward contest with Ireland about trade, had religion been thrown in, to ferment and embitter the mass of discontents, the consequences might have been truly dreadful. But very happily, that cause of quarrel was previously quieted by the wisdom of the acts I am commending.

Even in England, where I admit the danger from the discontent of that persuasion to be less than in Ireland; yet even here, had we listened to the counsels of fanaticism and folly, we might have wounded ourselves very deeply; and wounded ourselves in a very tender part. You are apprized, that the Catholics of England consist mostly of our best manufacturers. Had the legislature chosen, instead of returning their declarations of duty with correspondent good-will, to drive them to despair, there is a country at their very door, to which they would be invited; a country in all respects as good as ours, and with the finest cities in the world ready built to receive them. And thus the bigotry of a free country and in an enlightened age, would have re-peopled the cities of Flanders, which, in the darkness of two hundred years ago, had been desolated by the superstition of a cruel tyrant. Our manufacturers were the growth of the persecutions in the Low Countries. What a spectacle would it be to Europe, to see us at this time of day, balancing the account of tyranny with those very countries, and by our persecutions, driving back trade and manufacture, as a sort of vagabonds, to their original settlement! But I trust we shall be saved this last of disgraces.

So far as to the effect of the act on the interests of this nation. With regard to the interests of mankind at large, I am sure the benefit was very considerable. Long before this act, indeed, the spirit of toleration began to gain ground in Europe. In Holland, the third part of the people are Catholics; they live at ease; and are a sound part of the state. In many parts of Germany, Protestants and Papists partake the same

cities, the same councils, and even the same churches. The unbounded liberality of the King of Prussia's conduct on this occasion is known to all the world; and it is of a piece with the other grand maxims of his reign. The magnanimity of the imperial court, breaking through the narrow principles of its predecessors, has indulged its Protestant subjects, not only with property, with worship, with liberal education, but with honours and trusts, both civil and military. A worthy Protestant gentleman of this country now fills, and fills with credit, a high office in the Austrian Netherlands. Even the Lutheran obstinacy of Sweden has thawed at length, and opened a toleration to all religions. I know myself, that in France the Protestants begin to be at rest. The army, which in that country is every thing, is open to them; and some of the military rewards and decorations which the laws deny, are supplied by others, to make the service acceptable and honourable. The first minister of finance, in that country, is a Protestant. Two years' war without a tax is among the first-fruits of their liberality. Tarnished as the glory of this nation is, and far as it has waded into the shades of an eclipse, some beams of its former illumination still play upon its surface; and what is done in England is still looked to, as argument, and as example. It is certainly true, that no law of this country ever met with such universal applause abroad, or was so likely to produce the perfection of that tolerating spirit, which, as I observed, has been long gaining ground in Europe; for abroad, it was universally thought that we had done, what, I am sorry to say, we had not; they thought we had granted a full toleration. That opinion was however so far from hurting the Protestant cause, that I declare, with the most serious solemnity, my firm belief, that no one thing done for these fifty years past was so likely to prove deeply beneficial to our religion at large as Sir George Savile's act. In its effects it was 'an act for tolerating and protecting Protestantism throughout Europe': and I hope that those, who were taking steps for the quiet and settlement of our Protestant brethren

in other countries, will, even yet, rather consider the steady equity of the greater and better part of the people of Great Britain, than the vanity and violence of a few.

I perceive, gentlemen, by the manner of all about me, that you look with horror on the wicked clamour which has been raised on this subject; and that instead of an apology for what was done, you rather demand from me an account, why the execution of the scheme of toleration was not made more answerable to the large and liberal grounds on which it was taken up? The question is natural and proper; and I remember that a great and learned magistrate[1], distinguished for his strong and systematic understanding, and who at that time was a member of the House of Commons, made the same objection to the proceeding. The statutes, as they now stand, are, without doubt, perfectly absurd. But I beg leave to explain the cause of this gross imperfection, in the tolerating plan, as well and as shortly as I am able. It was universally thought that the session ought not to pass over without doing *something* in this business. To revise the whole body of the penal statutes was conceived to be an object too big for the time. The penal statute, therefore, which was chosen for repeal (chosen to show our disposition to conciliate, not to perfect a toleration) was this act of ludicrous cruelty, of which I have just given you the history. It is an act, which, though not by a great deal so fierce and bloody as some of the rest, was infinitely more ready in the execution. It was the act which gave the greatest encouragement to those pests of society, mercenary informers, and interested disturbers of household peace; and it was observed with truth, that the prosecutions, either carried to conviction or compounded for many years, had been all commenced upon that act. It was said, that, whilst we were deliberating on a more perfect scheme, the spirit of the age would never come up to the execution of the statutes which remained; especially as more steps, and a co-operation of more minds and powers, were required towards a

[1] The chancellor.

mischievous use of them, than for the execution of the act to be repealed: that it was better to unravel this texture from below than from above, beginning with the latest, which, in general practice, is the severest evil. It was alleged, that this slow proceeding would be attended with the advantage of a progressive experience; and that the people would grow reconciled to toleration, when they should find by the effects, that justice was not so irreconcilable an enemy to convenience as they had imagined.

These, gentlemen, were the reasons why we left this good work in the rude, unfinished state, in which good works are commonly left, through the tame circumspection with which a timid prudence so frequently enervates beneficence. In doing good, we are generally cold, and languid, and sluggish; and of all things afraid of being too much in the right. But the works of malice and injustice are quite in another style. They are finished with a bold, masterly hand; touched as they are with the spirit of those vehement passions that call forth all our energies, whenever we oppress and persecute.

Thus this matter was left for the time, with a full determination in parliament not to suffer other and worse statutes to remain for the purpose of counteracting the benefits proposed by the repeal of one penal law: for nobody then dreamed of defending what was done as a benefit, on the ground of its being no benefit at all. We were not then ripe for so mean a subterfuge.

I do not wish to go over the horrid scene that was afterwards acted. Would to God it could be expunged for ever from the annals of this country! But since it must subsist for our shame, let it subsist for our instruction. In the year 1780, there were found in this nation men deluded enough (for I give the whole to their delusion) on pretences of zeal and piety, without any sort of provocation whatsoever, real or pretended, to make a desperate attempt, which would have consumed all the glory and power of this country in the flames of

London; and buried all law, order, and religion, under the ruins of the metropolis of the Protestant world. Whether all this mischief done, or in the direct train of doing, was in their original scheme, I cannot say; I hope it was not: but this would have been the unavoidable consequence of their proceedings, had not the flames they had lighted up in their fury been extinguished in their blood.

All the time that this horrid scene was acting, or avenging, as well as for some time before, and ever since, the wicked instigators of this unhappy multitude, guilty, with every aggravation, of all their crimes, and screened in a cowardly darkness from their punishment, continued without interruption, pity, or remorse, to blow up the blind rage of the populace, with a continued blast of pestilential libels, which infected and poisoned the very air we breathed in.

The main drift of all the libels, and all the riots, was to force parliament (to persuade us was hopeless) into an act of national perfidy which has no example. For, gentlemen, it is proper you should all know what infamy we escaped by refusing that repeal, for a refusal of which, it seems, I, among others, stand somewhere or other accused. When we took away, on the motives which I had the honour of stating to you, a few of the innumerable penalties upon an oppressed and injured people; the relief was not absolute, but given on a stipulation and compact between them and us: for we bound down the Roman Catholics with the most solemn oaths, to bear true allegiance to this government; to abjure all sort of temporal power in any other, and to renounce, under the same solemn obligations, the doctrines of systematic perfidy, with which they stood (I conceive very unjustly) charged. Now our modest petitioners came up to us, most humbly praying nothing more, than that we should break our faith, without any one cause whatsoever of forfeiture assigned; and when the subjects of this kingdom had, on their part, fully performed their engagement, we should refuse, on our part, the benefit we had stipulated on

the performance of those very conditions that were prescribed by our own authority, and taken on the sanction of our public faith—that is to say, when we had inveigled them with fair promises within our door, we were to shut it on them; and, adding mockery to outrage—to tell them, 'Now we have got you fast—your consciences are bound to a power resolved on your destruction. We have made you swear, that your religion obliges you to keep your faith: fools as you are! we will now let you see, that our religion enjoins us to keep no faith with you.'—They who would advisedly call upon us to do such things must certainly have thought us not only a convention of treacherous tyrants, but a gang of the lowest and dirtiest wretches that ever disgraced humanity. Had we done this, we should have indeed proved, that there were *some* in the world whom no faith could bind; and we should have *convicted* ourselves of that odious principle of which Papists stood *accused* by those very savages, who wished us, on that accusation, to deliver them over to their fury.

In this audacious tumult, when our very name and character as gentlemen was to be cancelled for ever along with the faith and honour of the nation, I, who had exerted myself very little on the quiet passing of the bill, thought it necessary then to come forward. I was not alone: but though some distinguished members on all sides, and particularly on ours, added much to their high reputation by the part they took on that day (a part which will be remembered as long as honour, spirit, and eloquence, have estimation in the world), I may and will value myself so far, that, yielding in abilities to many, I yielded in zeal to none. With warmth and with vigour, and animated with a just and natural indignation, I called forth every faculty that I possessed, and I directed it in every way in which I could possibly employ it. I laboured night and day. I laboured in parliament: I laboured out of parliament. If therefore the resolution of the House of Commons, refusing to commit this act of unmatched turpitude, be a crime, I am guilty among the foremost. But, indeed,

whatever the faults of that House may have been, no one member was found hardy enough to propose so infamous a thing; and on full debate we passed the resolution against the petitions with as much unanimity, as we had formerly passed the law, of which these petitions demanded the repeal.

There was a circumstance (justice will not suffer me to pass it over) which, if any thing could enforce the reasons I have given, would fully justify the act of relief, and render a repeal, or any thing like a repeal, unnatural, impossible. It was the behaviour of the persecuted Roman Catholics under the acts of violence and brutal insolence which they suffered. I suppose there are not in London less than four or five thousand of that persuasion from my country, who do a great deal of the most laborious work in the metropolis; and they chiefly inhabit those quarters, which were the principal theatre of the fury of the bigotted multitude. They are known to be men of strong arms, and quick feelings, and more remarkable for a determined resolution, than clear ideas, or much foresight. But though provoked by everything that can stir the blood of men, their houses and chapels in flames, and with the most atrocious profanations of everything which they hold sacred before their eyes, not a hand was moved to retaliate, or even to defend. Had a conflict once begun, the rage of their persecutors would have redoubled. Thus fury increasing by the reverberation of outrages, house being fired for house, and church for chapel, I am convinced, that no power under heaven could have prevented a conflagration; and at this day London would have been a tale. But I am well informed, and the thing speaks it, that their clergy exerted their whole influence to keep their people in such a state of forbearance and quiet, as, when I look back, fills me with astonishment; but not with astonishment only. Their merits on that occasion ought not to be forgotten: nor will they, when Englishmen come to recollect themselves. I am sure it were far more proper to have called them forth, and given them the thanks of both houses of parliament,

than to have suffered those worthy clergymen, and excellent citizens, to be hunted into holes and corners, whilst we are making low-minded inquisitions into the number of their people; as if a tolerating principle was never to prevail, unless we were very sure that only a few could possibly take advantage of it. But indeed we are not yet well recovered of our fright. Our reason, I trust, will return with our security; and this unfortunate temper will pass over like a cloud.

Gentlemen, I have now laid before you a few of the reasons for taking away the penalties of the act of 1699, and for refusing to establish them on the riotous requisition of 1780. Because I would not suffer anything which may be for your satisfaction to escape, permit me just to touch on the objections urged against our act and our resolves, and intended as a justification of the violence offered to both Houses. 'Parliament,' they assert, 'was too hasty, and they ought, in so essential and alarming a change, to have proceeded with a far greater degree of deliberation.' The direct contrary. Parliament was too slow. They took fourscore years to deliberate on the repeal of an act which ought not to have survived a second session. When at length, after a procrastination of near a century, the business was taken up, it proceeded in the most public manner, by the ordinary stages, and as slowly as a law so evidently right as to be resisted by none would naturally advance. Had it been read three times in one day, we should have shown only a becoming readiness to recognize, by protection, the undoubted dutiful behaviour of those whom we had but too long punished for offences of presumption or conjecture. But for what end was that bill to linger beyond the usual period of an unopposed measure? Was it to be delayed until a rabble in Edinburgh should dictate to the Church of England what measure of persecution was fitting for her safety? Was it to be adjourned until a fanatical force could be collected in London, sufficient to frighten us out of all our ideas of policy and justice? Were we to wait for the profound lectures on the reason of state, ecclesias-

tical and political, which the Protestant Association have since condescended to read to us? Or were we, seven hundred peers and commoners, the only persons ignorant of the ribald invectives which occupy the place of argument in those remonstrances, which every man of common observation had heard a thousand times over, and a thousand times over had despised? All men had before heard what they have to say; and all men at this day know what they dare to do; and I trust all honest men are equally influenced by the one, and by the other.

But they tell us, that those our fellow-citizens, whose chains we have a little relaxed, are enemies to liberty and our free constitution.—Not enemies, I presume, to their *own* liberty. And as to the constitution, until we give them some share in it, I do not know on what pretence we can examine into their opinions about a business in which they have no interest or concern. But after all, are we equally sure, that they are adverse to our constitution, as that our statutes are hostile and destructive to them? For my part, I have reason to believe their opinions and inclinations in that respect are various, exactly like those of other men: and if they lean more to the crown than I, and than many of you think *we* ought, we must remember, that he, who aims at another's life, is not to be surprised if he flies into any sanctuary that will receive him. The tenderness of the executive power is the natural asylum of those upon whom the laws have declared war: and to complain that men are inclined to favour the means of their own safety, is so absurd, that one forgets the injustice in the ridicule.

I must fairly tell you, that, so far as my principles are concerned, (principles that I hope will only depart with my last breath) I have no idea of a liberty unconnected with honesty and justice. Nor do I believe, that any good constitutions of government, or of freedom, can find it necessary for their security to doom any part of the people to a permanent slavery. Such a constitution of freedom, if such can be, is in effect no more than another

name for the tyranny of the strongest faction; and factions in republics have been, and are, full as capable as monarchs of the most cruel oppression and injustice. It is but too true, that the love, and even the very idea, of genuine liberty is extremely rare. It is but too true, that there are many, whose whole scheme of freedom is made up of pride, perverseness, and insolence. They feel themselves in a state of thraldom, they imagine that their souls are cooped and cabined in, unless they have some man, or some body of men, dependent on their mercy. This desire of having some one below them descends to those who are the very lowest of all,—and a Protestant cobbler, debased by his poverty, but exalted by his share of the ruling Church, feels a pride in knowing it is by his generosity alone, that the peer, whose footman's instep he measures, is able to keep his chaplain from a jail. This disposition is the true source of the passion, which many men, in very humble life, have taken to the American war. *Our* subjects in America; *our* colonies; *our* dependants. This lust of party-power is the liberty they hunger and thirst for; and this syren song of ambition has charmed ears, that one would have thought were never organized to that sort of music.

This way of *proscribing the citizens by denominations and general descriptions*, dignified by the name of reason of state, and security for constitutions and commonwealths, is nothing better at bottom, than the miserable invention of an ungenerous ambition which would fain hold the sacred trust of power, without any of the virtues or any of the energies that give a title to it: a receipt of policy, made up of a detestable compound of malice, cowardice, and sloth. They would govern men against their will; but in that government they would be discharged from the exercise of vigilance, providence, and fortitude; and therefore, that they may sleep on their watch, they consent to take some one division of the society into partnership of the tyranny over the rest. But let government, in what form it may be, comprehend the whole in its justice, and restrain the

suspicious by its vigilance; let it keep watch and ward: let it discover by its sagacity, and punish by its firmness, all delinquency against its power, whenever delinquency exists in the overt acts; and then it will be as safe as ever God and nature intended it should be. Crimes are the acts of individuals, and not of denominations; and therefore arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, of which perhaps but a part, perhaps none at all, are guilty, is indeed a compendious method, and saves a world of trouble about proof: but such a method, instead of being law, is an act of unnatural rebellion against the legal dominion of reason and justice; and this vice, in any constitution that entertains it, at one time or other will certainly bring on its ruin.

We are told that this is not a religious persecution; and its abettors are loud in disclaiming all severities on account of conscience. Very fine indeed! Then let it be so; they are not persecutors; they are only tyrants. With all my heart. I am perfectly indifferent concerning the pretexts upon which we torment one another; or whether it be for the constitution of the Church of England, or for the constitution of the state of England, that people choose to make their fellow-creatures wretched. When we were sent into a place of authority, you that sent us had yourselves but one commission to give. You could give us none to wrong or oppress, or even to suffer any kind of oppression or wrong, on any grounds whatsoever; not on political, as in the affairs of America; not on commercial as in those of Ireland; not in civil, as in the laws for debt; not in religious, as in the statutes against Protestant or Catholic dissenters. The diversified but connected fabric of universal justice is well cramped and bolted together in all its parts: and depend upon it, I never have employed, and I never shall employ, any engine of power which may come into my hands, to wrench it asunder. All shall stand, if I can help it, and all shall stand connected. After all, to complete this work, much remains

to be done; much in the East, much in the West. But, great as the work is, if our will be ready, our powers are not deficient.

Since you have suffered me to trouble you so much on this subject, permit me, gentlemen, to detain you a little longer. I am indeed most solicitous to give you perfect satisfaction. I find there are some of a better and softer nature than the persons with whom I have supposed myself in debate, who neither think ill of the act of relief, nor by any means desire the repeal; yet who, not accusing but lamenting what was done, on account of the consequences, have frequently expressed their wish that the late act had never been made. Some of this description, and persons of worth, I have met with in this city. They conceive, that the prejudices, whatever they might be, of a large part of the people, ought not to have been shocked; that their opinions ought to have been previously taken, and much attended to; and that thereby the late horrid scenes might have been prevented.

I confess, my notions are widely different; and I never was less sorry for any action of my life. I like the bill the better, on account of the events of all kinds that followed it. It relieved the real sufferers; it strengthened the state; and, by the disorders that ensued, we had clear evidence that there lurked a temper somewhere, which ought not to be fostered by the laws. No ill consequences whatever could be attributed to the act itself. We knew beforehand, or we were poorly instructed, that toleration is odious to the intolerant; freedom to oppressors; property to robbers; and all kinds and degrees of prosperity to the envious We knew, that all these kinds of men would gladly gratify their evil dispositions under the sanction of law and religion, if they could: if they could not, yet, to make way to their objects, they would do their utmost to subvert all religion and all law. This we certainly knew. But knowing this, is there any reason, because thieves break in and steal, and thus bring detriment to you, and draw ruin on themselves, that I am to be

sorry that you are in possession of shops, and of warehouses, and of wholesome laws to protect them? Are you to build no houses, because desperate men may pull them down upon their own heads? Or, if a malignant wretch will cut his own throat because he sees you give alms to the necessitous and deserving; shall his destruction be attributed to your charity, and not to his own deplorable madness? If we repent of our good actions, what, I pray you, is left for our faults and follies? It is not the beneficence of the laws, it is the unnatural temper which beneficence can fret and sour, that is to be lamented. It is this temper which, by all rational means, ought to be sweetened and corrected. If forward men should refuse this cure, can they vitiate anything but themselves? Does evil so react upon good, as not only to retard its motion, but to change its nature? If it can so operate, then good men will always be in the power of the bad; and virtue, by a dreadful reverse of order, must lie under perpetual subjection and bondage to vice.

As to the opinion of the people, which some think, in such cases, is to be implicitly obeyed; nearly two years' tranquillity, which followed the act, and its instant imitation in Ireland, proved abundantly, that the late horrible spirit was, in a great measure, the effect of insidious art, and perverse industry, and gross misrepresentation. But suppose that the dislike had been much more deliberate, and much more general than I am persuaded it was—when we know, that the opinions of even the greatest multitudes are the standard of rectitude, I shall think myself obliged to make those opinions the masters of my conscience. But if it may be doubted whether Omnipotence itself is competent to alter the essential constitution of right and wrong, sure I am, that such *things*, as they and I, are possessed of no such power. No man carries further than I do the policy of making government pleasing to the people. But the widest range of this politic complaisance is confined within the limits of justice. I would not only consult the interest of the people, but I would cheer-

fully gratify their humours. We are all a sort of children that must be soothed and managed. I think I am not austere or formal in my nature. I would bear, I would even myself play my part in, any innocent buffooneries to divert them. But I never will act the tyrant for their amusement. If they will mix malice in their sports, I shall never consent to throw them any living, sentient creature whatsoever, no not so much as a kitling, to torment.

'But if I profess all this impolitic stubbornness, I may chance never to be elected into parliament.' It is certainly not pleasing to be put out of the public service. But I wish to be a member of parliament, to have my share of doing good and resisting evil. It would therefore be absurd to renounce my objects, in order to obtain my seat. I deceive myself indeed most grossly, if I had not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity, feeding my mind even with the visions and imaginations of such things, than to be placed on the most splendid throne of the universe, tantalized with a denial of the practice of all which can make the greatest situation any other than the greatest curse. Gentlemen, I have had my day. I can never sufficiently express my gratitude to you for having set me in a place, wherein I could lend the slightest help to great and laudable designs. If I have had my share in any measure giving quiet to private property, and private conscience; if by my vote I have aided in securing to families the best possession, peace; if I have joined in reconciling kings to their subjects, and subjects to their prince; if I have assisted to loosen the foreign holdings of the citizen, and taught him to look for his protection to the laws of his country, and for his comfort to the good-will of his countrymen;—if I have thus taken my part with the best of men in the best of their actions, I can shut the book;—I might wish to read a page or two more—but this is enough for my measure.—I have not lived in vain.

And now, gentlemen, on this serious day, when I come,

as it were, to make up my account with you, let me take to myself some degree of honest pride on the nature of the charges that are against me. I do not here stand before you accused of venality, or of neglect of duty. It is not said, that, in the long period of my service, I have, in a single instance, sacrificed the slightest of your interests to my ambition, or to my fortune. It is not alleged, that to gratify any anger, or revenge of my own, or of my party, I have had a share in wronging or oppressing any description of men, or any one man in any description. No! the charges against me, are all of one kind, that I have pushed the principles of general justice and benevolence too far; further than a cautious policy would warrant; and further than the opinions of many would go along with me.—In every accident which may happen through life, in pain, in sorrow, in depression, and distress—I will call to mind this accusation; and be comforted.

Gentlemen, I submit the whole to your judgment. Mr. Mayor, I thank you for the trouble you have taken on this occasion: in your state of health, it is particularly obliging. If this company should think it advisable for me to withdraw, I shall respectfully retire; if you think otherwise, I shall go directly to the Council-house and to the 'Change, and, without a moment's delay, begin my canvass.

Bristol, September 6, 1780.

At a great and respectable meeting of the friends of Edmund Burke, Esq., held at the Guildhall this day;

The Right Worshipful the Mayor in the Chair:

Resolved, That Mr. Burke, as a representative for this city, has done all possible honour to himself as a senator and a man, and that we do heartily and honestly approve of his conduct, as the result of an enlightened loyalty to his sovereign; a warm and zealous love to his country, through its widely-extended empire; a jealous and watchful care of the liberties of his fellow-subjects; an enlarged and liberal understanding of our commercial interest; a humane attention to the circumstances of even the

lowest ranks of the community; and a truly wise, politic, and tolerant spirit, in supporting the national Church, with a reasonable indulgence to all who dissent from it; and we wish to express the most marked abhorrence of the base arts which have been employed, without regard to truth and reason, to misrepresent his eminent services to his country.

Resolved, That this resolution be copied out, and signed by the chairman, and be by him presented to Mr. Burke, as the fullest expression of the respectful and grateful sense we entertain of his merits and services, public and private, to the citizens of Bristol, as a man and a representative.

Resolved, That the thanks of this meeting be given to the right worshipful the Mayor, who so ably and worthily presided in this meeting.

Resolved, That it is the earnest request of this meeting to Mr. Burke, that he should again offer himself a candidate to represent this city in parliament; assuring him of that full and strenuous support which is due to the merits of so excellent a representative.

This business being over, Mr. Burke went to the Exchange, and offered himself as a candidate in the usual manner. He was accompanied to the Council-house, and from thence to the Exchange, by a large body of most respectable gentlemen, amongst whom were the following members of the corporation, viz. Mr. Mayor, Mr. Alderman Smith, Mr. Alderman Deane, Mr. Alderman Gordon, William Weare, Samuel Munckley, John Merlott, John Crofts, Levy Ames, John Fisher Weare, Benjamin Loscombe, Philip Protheroe, Samuel Span, Joseph Smith, Richard Bright and John Noble, Esquires.

SPEECH AT BRISTOL

ON

DECLINING THE POLL, 1780.

Bristol, Saturday, Sept. 9, 1780.

This morning the sheriff and candidates assembled as usual at the Council-house, and from thence proceeded to Guildhall. Proclamation being made for the electors to appear and give their votes, Mr. BURKE stood forward on the hustings, surrounded by a great number of the corporation and other principal citizens, and addressed himself to the whole assembly as follows:—

GENTLEMEN,

I decline the election.——It has ever been my rule through life, to observe a proportion between my efforts and my objects. I have never been remarkable for a bold, active, and sanguine pursuit of advantages that are personal to myself.

I have not canvassed the whole of this city in form. But I have taken such a view of it as satisfies my own mind, that your choice will not ultimately fall upon me. Your city, gentlemen, is in a state of miserable distraction; and I am resolved to withdraw whatever share my pretensions may have had in its unhappy divisions. I have not been in haste; I have tried all prudent means; I have waited for the effect of all contingencies. If I were fond of a contest, by the partiality of my numerous friends (whom you know to be among the most weighty and respectable people of the city), I have the means of a sharp one in my hands. But I thought it far better with my strength unspent, and my reputation unimpaired, to do, early and from

foresight, that which I might be obliged to do from necessity at last.

I am not in the least surprised, nor in the least angry at this view of things. I have read the book of life for a long time, and I have read other books a little. Nothing has happened to me, but what has happened to men much better than me, and in times and in nations full as good as the age and the country that we live in. To say that I am no way concerned, would be neither decent nor true. The representation of *Bristol* was an object on many accounts dear to me; and I certainly should very far prefer it to any other in the kingdom. My habits are made to it; and it is in general more unpleasant to be rejected after long trial, than not to be chosen at all.

But, gentlemen, I will see nothing except your former kindness, and I will give way to no other sentiments than those of gratitude. From the bottom of my heart I thank you for what you have done for me. You have given me a long term, which is now expired. I have performed the conditions, and enjoyed all the profits to the full; and I now surrender your estate into your hands, without being in a single tile or a single stone impaired or wasted by my use. I have served the public for fifteen years. I have served you in particular for six. What is passed is well stored. It is safe, and out of the power of fortune. What is to come, is in wiser hands than ours: and He, in whose hands it is, best knows whether it is best for you and me that I should be in parliament, or even in the world.

Gentlemen, the melancholy event of yesterday reads to us an awful lesson against being too much troubled about any of the objects of ordinary ambition. The worthy gentleman [1], who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm, and his hopes as eager as ours, has feelingly told us, what shadows we are, and what shadows we pursue.

It has been usual for a candidate who declines, to take

[1] Mr. Coombe.

his leave by a letter to the sheriffs; but I received your trust in the face of day: and in the face of day I accept your dismission. I am not,—I am not at all ashamed to look upon you; nor can my presence discompose the order of business here. I humbly and respectfully take my leave of the sheriffs, the candidates, and the electors, wishing heartily that the choice may be for the best, at a time which calls, if ever time did call, for service that is not nominal. It is no plaything you are about. I tremble when I consider the trust I have presumed to ask. I confided perhaps too much in my intentions. They were really fair and upright; and I am bold to say that I ask no ill thing for you, when on parting from this place I pray that whomever you choose to succeed me, he may resemble me exactly in all things, except in my abilities to serve, and my fortune to please you.

SPEECH,

ON THE FIRST OF DECEMBER, 1783,

UPON THE QUESTION FOR THE

SPEAKER'S LEAVING THE CHAIR,

IN ORDER FOR

THE HOUSE TO RESOLVE ITSELF INTO A COMMITTEE,

ON

MR. FOX'S EAST INDIA BILL.

SPEECH.

Mr. Speaker,

I thank you for pointing to me. I really wished much to engage your attention in an early stage of the debate. I have been long very deeply, though perhaps ineffectually, engaged in the preliminary inquiries, which have continued without intermission for some years. Though I have felt, with some degree of sensibility, the natural and inevitable impressions of the several matters of fact, as they have been successively disclosed, I have not at any time attempted to trouble you on the merits of the subject; and very little on any of the points which incidentally arose in the course of our proceedings. But I should be sorry to be found totally silent upon this day. Our inquiries are now come to their final issue:—It is now to be determined whether the three years of laborious parliamentary research, whether the twenty years of patient Indian suffering, are to produce a substantial reform in our eastern administration; or whether our knowledge of the grievances has abated our zeal for the correction of them, and our very inquiry into the evil was only a pretext to elude the remedy, which is demanded from us by humanity, by justice, and by every principle of true policy. Depend upon it this business cannot be indifferent to our fame. It will turn out a matter of great disgrace, or great glory to the whole British nation. We are on a conspicuous stage and the world marks our demeanour.

I am therefore a little concerned to perceive the spirit and temper in which the debate has been all along pursued upon one side of the House. The declamation of the

gentlemen who oppose the bill has been abundant and vehement; but they have been reserved and even silent about the fitness or unfitness of the plan to attain the direct object it has in view. By some gentlemen it is taken up (by way of exercise I presume) as a point of law on a question of private property, and corporate franchise: by others it is regarded as the petty intrigue of a faction at court, and argued merely as it tends to set this man a little higher, or that a little lower in situation and power. All the void has been filled up with invectives against coalition; with allusions to the loss of America; with the activity and inactivity of ministers. The total silence of these gentlemen concerning the interest and well-being of the people of India, and concerning the interest which this nation has in the commerce and revenues of that country, is a strong indication of the value which they set upon these objects.

It has been a little painful to me to observe the intrusion into this important debate of such company as *quo warranto*, and *mandamus*, and *certiorari* as if we were on trial about mayors and aldermen and capital burgesses; or engaged in a suit concerning the borough of Penryn, or Saltash, or St. Ives, or St. Mawes. Gentlemen have argued with as much heat and passion, as if the first things in the world were at stake; and their topics are such as belong only to matter of the lowest and meanest litigation. It is not right, it is not worthy of us, in this manner to depreciate the value, to degrade the majesty, of this grave deliberation of policy and empire.

For my part, I have thought myself bound, when a matter of this extraordinary weight came before me, not to consider (as some gentlemen are so fond of doing) whether the bill originated from a secretary of state for the home department, or from a secretary for the foreign, from a minister of influence, or a minister of the people; from Jacob, or from Esau [1]. I asked myself, and I asked myself nothing else, what part of it

[1] An allusion made by Mr. Powis.

was fit for a member of parliament, who has supplied a mediocrity of talents by the extreme of diligence, and who has thought himself obliged, by the research of years, to wind himself into the inmost recesses and labyrinths of the Indian detail, what part, I say, it became such a member of parliament to take, when a minister of state, in conformity to a recommendation from the throne, has brought before us a system for the better government of the territory and commerce of the East. In this light, and in this only, I will trouble you with my sentiments.

It is not only agreed, but demanded, by the right honourable gentleman [1], and by those who act with him, that a *whole* system ought to be produced; that it ought not to be a *half measure;* that it ought to be no *palliative;* but a legislative provision, vigorous, substantial, and effective.—I believe that no man who understands the subject can doubt for a moment, that those must be the conditions of any thing deserving the name of a reform in the Indian government; that any thing short of them would not only be delusive, but, in this matter which admits no medium, noxious in the extreme.

To all the conditions proposed by his adversaries the mover of the bill perfectly agrees; and on his performance of them he rests his cause. On the other hand, not the least objection has been taken with regard to the efficiency, the vigour, or the completeness of the scheme. I am therefore warranted to assume, as a thing admitted, that the bills accomplish what both sides of the House demand as essential. The end is completely answered, so far as the direct and immediate object is concerned.

But though there are no direct, yet there are various collateral objections made: objections from the effects which this plan of reform for Indian administration may have on the privileges of great public bodies in England; from its probable influence on the con-

[1] Mr. Pitt.

stitutional rights, or on the freedom and integrity of the several branches of the legislature.

Before I answer these objections, I must beg leave to observe, that if we are not able to contrive some method of governing India *well*, which will not of necessity become the means of governing Great Britain *ill*, a ground is laid for their eternal separation, but none for sacrificing the people of that country to our constitution. I am, however, far from being persuaded that any such incompatibility of interest does at all exist. On the contrary, I am certain that every means effectual to preserve India from oppression is a guard to preserve the British constitution from its worst corruption. To show this, I will consider the objections, which, I think, are four:

1st. That the bill is an attack on the chartered rights of men.

2ndly. That it increases the influence of the crown.

3rdly. That it does *not* increase, but diminishes, the influence of the crown, in order to promote the interests of certain ministers and their party.

4thly. That it deeply affects the national credit.

As to the first of these objections, I must observe that the phrase of 'the chartered rights *of men*,' is full of affectation, and very unusual in the discussion of privileges conferred by charters of the present description. But it is not difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

The rights of *men*,—that is to say, the natural rights of mankind,—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power, and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith

itself, which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted but by rooting up the holding, radical principles of government, and even of society itself. The charters, which we call by distinction *great*, are public instruments of this nature: I mean the charters of King John and King Henry III. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the *chartered rights of men.*

These charters have made the very name of a charter dear to the heart of every Englishman. But, sir, there may be, and there are, charters, not only different in nature, but formed on principles the *very reverse* of those of the great charter. Of this kind is the charter of the East India Company. *Magna Charta* is a charter, to restrain power and to destroy monopoly. The East India charter is a charter to establish monopoly and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights of them derived from charters it is fallacious and sophistical to call 'the chartered rights of men.' These chartered rights (to speak of such charters and of their effects in terms of the greatest possible moderation) do at least suspend the natural rights of mankind at large, and, in their very frame and constitution, are liable to fall into a direct violation of them.

It is a charter of this latter description (that is to say, a charter of power and monopoly) which is affected by the bill before you. The bill, sir, does, without question, affect it: it does affect it essentially and substantially. But, having stated to you of what description the chartered rights are which this bill touches, I feel no difficulty at all in acknowledging the existence of those chartered rights in their fullest extent. They belong to the company in the surest manner, and they are secured to that body by every sort of public sanction. They are stamped by the faith of the king; they are stamped by the faith of parliament; they have been bought for money, for money honestly and fairly paid;

they have been bought for valuable consideration over and over again.

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter, and by acts of parliament, (in my opinion) without a shadow of controversy.

Those who carry the rights and claims of the company the furthest do not contend for more than this; and all this I freely grant. But granting all this, they must grant to me in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or privileges, or whatever else you choose to call them, are all in the strictest sense a *trust;* and it is of the very essence of every trust to be rendered *accountable;* and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate, *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East India Company accountable? Why, to parliament, to be sure; to parliament, from which their trust was derived; to parliament,

which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very charter, which is held out to exclude parliament from correcting malversation with regard to the high trust vested in the company, is the very thing which at once gives a title and imposes on us a duty to interfere with effect, wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If parliament, sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this House to be an active accomplice in the abuse.

That the power, notoriously grossly abused, has been bought from us is very certain. But this circumstance, which is urged against the bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our control. We had not a right to make a market of our duties.

I ground myself therefore on this principle—that if the abuse is proved, the contract is broken; and we re-enter into all our rights; that is into the exercise of all our duties. Our own authority is indeed as much a trust originally, as the company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honourable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue, that we are going to supersede a charter abused to the full extent of all the powers

which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that in one and the same plan, we provide a real chartered security for the *rights of men*, cruelly violated under that charter.

This bill, and those connected with it, are intended to form the *magna charta* of Hindostan. Whatever the treaty of Westphalia is to the liberty of the princes and free cities of the empire, and to the three religions there professed—whatever the Great Charter, the statute of tallege, the petition of right, and the declaration of right, are to Great Britain, these bills are to the people of India. Of this benefit, I am certain, their condition is capable; and when I know that they are capable of more, my vote shall most assuredly be for our giving to the full extent of their capacity of receiving; and no charter of dominion shall stand as a bar in my way to their charter of safety and protection.

The strong admission I have made of the company's rights (I am conscious of it) binds me to do a great deal. I do not presume to condemn those who argue *à priori*, against the propriety of leaving such extensive political powers in the hands of a company of merchants. I know much is, and much more may be, said against such a system. But, with my particular ideas and sentiments, I cannot go that way to work. I feel an insuperable reluctance in giving my hand to destroy any established institution of government upon a theory, however plausible it may be. My experience in life teaches me nothing clear upon the subject. I have known merchants with the sentiments and the abilities of great statesmen; and I have seen persons in the rank of statesmen, with the conceptions and characters of pedlers. Indeed, my observation has furnished me with nothing that is to be found in any habits of life or education, which tends wholly to disqualify men for the functions of government, but that by which the power of exercising those functions is very frequently obtained, I mean a spirit and habits of low cabal and intrigue; which I have never, in one instance, seen united with a capacity for sound and manly policy.

To justify us in taking the administration of their affairs out of the hands of the East India Company, on my principles, I must see several conditions. 1st. The object affected by the abuse should be great and important. 2nd. The abuse affecting this great object ought to be a great abuse. 3rd. It ought to be habitual, and not accidental. 4th. It ought to be utterly incurable in the body as it now stands constituted. All this ought to be made as visible to me as the light of the sun before I should strike off an atom of their charter. A right honourable gentleman[1] has said, and said I think but once, and that very slightly (whatever his original demand for a plan might seem to require), that 'there are abuses in the company's government.' If that were all, the scheme of the mover of this bill, the scheme of his learned friend, and his own scheme of reformation (if he has any), are all equally needless. There are, and must be, abuses in all governments. It amounts to no more than a nugatory proposition. But before I consider of what nature these abuses are, of which the gentleman speaks so very lightly, permit me to recall to your recollection the map of the country which this abused chartered right affects. This I shall do, that you may judge whether in that map I can discover any thing like the first of my conditions; that is, whether the object affected by the abuse of the East India Company's power be of importance sufficiently to justify the measure and means of reform applied to it in this bill.

With very few, and those inconsiderable intervals, the British dominion, either in the company's name, or in the names of princes absolutely dependent upon the company, extends from the mountains that separate India from Tartary to Cape Comorin, that is, one-and-twenty degrees of latitude!

In the northern parts it is a solid mass of land, about eight hundred miles in length and four or five hundred broad. As you go southward, it becomes narrower for a space. It afterwards dilates; but, narrower or

[1] Mr. Pitt.

broader, you possess the whole eastern and north-eastern coast of that vast country, quite from the borders of Pegu.—Bengal, Bahar, and Orissa, with Benares (now unfortunately in our immediate possession), measure 161,978 square English miles; a territory considerably larger than the whole kingdom of France. Oude, with its dependent provinces, is 53,286 square miles, not a great deal less than England. The Carnatic, with Tanjore and the Circars, is 65,948 square miles, very considerably larger than England; and the whole of the company's dominions, comprehending Bombay and Salsette, amounts to 281,412 square miles; which forms a territory larger than any European dominion, Russia and Turkey excepted. Through all that vast extent of country there is not a man who eats a mouthful of rice, but by permission of the East India Company.

So far with regard to the extent. The population of this great empire is not easily to be calculated. When the countries, of which it is composed, came into our possession, they were all eminently peopled and eminently productive; though at that time considerably declined from their ancient prosperity. But, since they are come into our hands!——! However, if we make the period of our estimate immediately before the utter desolation of the Carnatic, and if we allow for the havoc which our government had even then made in these regions, we cannot, in my opinion, rate the population at much less than thirty millions of souls; more than four times the number of persons in the island of Great Britain.

My next inquiry to that of the number, is the quality and description of the inhabitants. This multitude of men does not consist of an abject and barbarous populace; much less of gangs of savages, like the Guaranies and Chiquitos, who wander on the waste borders of the river of Amazons, or the Plate; but a people for ages civilized and cultivated; cultivated by all the arts of polished life, whilst we were yet in the woods. There have been (and still the skeletons remain) princes once of great dignity, authority, and opulence. There

are to be found the chiefs of tribes and nations. There is to be found an ancient and venerable priesthood, the depository of their laws, learning, and history, the guides of the people whilst living, and their consolation in death; a nobility of great antiquity and renown; a multitude of cities, not exceeded in population and trade by those of the first class in Europe; merchants and bankers, individual houses of whom have once vied in capital with the Bank of England; whose credit had often supported a tottering state, and preserved their governments in the midst of war and desolation; millions of ingenious manufacturers and mechanics; millions of the most diligent, and not the least intelligent, tillers of the earth. There, are to be found almost all the religions professed by men, the Braminical, the Mussulman, the Eastern and the Western Christian.

If I were to take the whole aggregate of our possessions there, I should compare it, as the nearest parallel I can find, with the empire of Germany. Our immediate possessions I should compare with the Austrian dominions, and they would not suffer in the comparison. The nabob of Oude might stand for the King of Prussia; the nabob of Arcot I would compare, as superior in territory, and equal in revenue, to the Elector of Saxony. Cheyt Sing, the rajah of Benares, might well rank with the Prince of Hesse, at least; and the rajah of Tanjore (though hardly equal in extent of dominion, superior in revenue) to the Elector of Bavaria. The Polygars and the northern Zemindars, and other great chiefs, might well class with the rest of the princes, dukes, counts, marquises, and bishops in the empire; all of whom I mention to honour, and surely without disparagement to any or all of those most respectable princes and grandees.

All this vast mass, composed of so many orders and classes of men, is again infinitely diversified by manners, by religion, by hereditary employment, through all their possible combinations. This renders the handling of India a matter in a high degree critical and delicate. But oh! it has been handled rudely indeed. Even

some of the reformers seem to have forgot that they had any thing to do but to regulate the tenants of a manor, or the shopkeepers of the next county town.

It is an empire of this extent, of this complicated nature, of this dignity and importance, that I have compared to Germany, and the German government! not for an exact resemblance, but as a sort of a middle term, by which India might be approximated to our understandings and, if possible, to our feelings; in order to awaken something of sympathy for the unfortunate natives, of which I am afraid we are not perfectly susceptible, whilst we look at this very remote object through a false and cloudy medium.

My second condition, necessary to justify me in touching the charter, is, whether the company's abuse of their trust, with regard to this great object, be an abuse of great atrocity. I shall beg your permission to consider their conduct in two lights; first the political, and then the commercial. Their political conduct (for distinctness) I divide again into two heads; the external, in which I mean to comprehend their conduct in their federal capacity, as it relates to powers and states independent, or that not long since were such; the other internal, namely, their conduct to the countries either immediately subject to the company, or to those who, under the apparent government of native sovereigns, are in a state much lower, and much more miserable, than common subjection.

The attention, sir, which I wish to preserve to method will not be considered as unnecessary or affected. Nothing else can help me to selection out of the infinite mass of materials which have passed under my eye; or can keep my mind steady to the great leading points I have in view.

With regard therefore to the abuse of the external federal trust, I engage myself to you to make good these three positions:—First, I say, that from Mount Imaus (or whatever else you call that large range of mountains that walls the northern frontier of India), where it touches us in the latitude of twenty-nine, to

Cape Comorin, in the latitude of eight, that there is not a *single* prince, state, or potentate, great or small, in India, with whom they have come into contact, whom they have not sold. I say *sold* though sometimes they have not been able to deliver according to their bargain. —Secondly, I say, that there is not a *single treaty* they have ever made which they have not broken.—Thirdly, I say, that there is not a single prince or state, who ever put any trust in the company, who is not utterly ruined; and that none are in any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation.

These assertions are universal. I say in the full sense *universal*. They regard the external and political trust only; but I shall produce others fully equivalent in the internal. For the present, I shall content myself with explaining my meaning; and if I am called on for proof whilst these bills are depending (which I believe I shall not), I will put my finger on the appendices to the reports, or on papers of record in the House, or the committees, which I have distinctly present to my memory, and which I think I can lay before you at half an hour's warning.

The first potentate sold by the company for money was the Great Mogul—the descendant of Tamerlane. This high personage, as high as human veneration can look at, is by every account amiable in his manners, respectable for his piety, according to his mode, and accomplished in all the Oriental literature. All this, and the title derived under his *charter*, to all that we hold in India, could not save him from the general *sale*. Money is coined in his name; in his name justice is administered; he is prayed for in every temple throughout the countries we possess—but he was sold.

It is impossible, Mr. Speaker, not to pause here for a moment, to reflect on the inconstancy of human greatness, and the stupendous revolutions that have happened in our age of wonders. Could it be believed when I entered into existence, or when you, a younger man, were born, that on this day, in this House, we

should be employed in discussing the conduct of those British subjects who had disposed of the power and person of the Grand Mogul? This is no idle speculation. Awful lessons are taught by it, and by other events, of which it is not yet too late to profit.

This is hardly a digression; but I return to the sale of the Mogul. Two districts, Corah and Allahabad, out of his immense grants, were reserved as a royal demesne to the donor of a kingdom, and the rightful sovereign of so many nations.—After withholding the tribute of 260,000*l.* a year, which the company was, by the *charter* they had received from this prince, under the most solemn obligation to pay, these districts were sold to his chief minister Sujah ul Dowlah; and, what may appear to some the worst part of the transaction, these two districts were sold for scarcely two years' purchase. The descendant of Tamerlane now stands in need almost of the common necessaries of life; and in this situation we do not even allow him, as bounty, the smallest portion of what we owe him in justice.

The next sale was that of the whole nation of the Rohillas, which the grand salesman, without a pretence of quarrel, and contrary to his own declared sense of duty and rectitude, sold to the same Sujah ul Dowlah. He sold the people to utter *extirpation* for the sum of four hundred thousand pounds. Faithfully was the bargain performed on our side. Hafiz Rhamet, the most eminent of their chiefs, one of the bravest men of his time, and as famous throughout the East for the elegance of his literature, and the spirit of his poetical compositions (by which he supported the name of Hafiz) as for his courage, was invaded with an army of a hundred thousand men and an English brigade. This man, at the head of inferior forces, was slain valiantly fighting for his country. His head was cut off and delivered for money to a barbarian. His wife and children, persons of that rank, were seen begging a handful of rice through the English camp. The whole nation, with inconsiderable exceptions, was slaughtered or banished. The country was laid waste with fire and

sword; and that land, distinguished above most others by the cheerful face of paternal government and protected labour, the chosen seat of cultivation and plenty, is now almost throughout a dreary desert, covered with rushes, and briers, and jungles full of wild beasts.

The British officer, who commanded in the delivery of the people thus sold, felt some compunction at his employment. He represented these enormous excesses to the president of Bengal, for which he received a severe reprimand from the civil governor; and I much doubt whether the breach caused by the conflict, between the compassion of the military and the firmness of the civil governor, be closed at this hour.

In Bengal, Seraja Dowlah was sold to Mir Jaffier; Mir Jaffier was sold to Mir Cossim; and Mir Cossim was sold to Mir Jaffier again. The succession to Mir Jaffier was sold to his eldest son;— another son of Mir Jaffier, Mobarech ul Dowlah, was sold to his step-mother. The Maratta empire was sold to Rogabo; and Rogabo was sold and delivered to the peishwa of the Marattas. Both Rogabo and the peishwa of the Marattas were offered to sale to the rajah of Berar. Scindia, the chief of Malva, was offered to sale to the same rajah; and the subah of the Decan was sold to the great trader Mahomet Ali, nabob of Arcot. To the same nabob of Arcot they sold Hyder Ali and the kingdom of Mysore. To Mahomet Ali they twice sold the kingdom of Tanjore. To the same Mahomet Ali they sold at least twelve sovereign princes, called the Polygars. But to keep things even, the territory of Tinnivelly, belonging to their nabob, they would have sold to the Dutch; and to conclude the account of sales, their great customer, the nabob of Arcot himself, and his lawful succession, has been sold to his second son, Amir ul Omrah, whose character, views, and conduct, are in the accounts upon your table. It remains with you whether they shall finally perfect this last bargain.

All these bargains and sales were regularly attended with the waste and havoc of the country, always by the buyer, and sometimes by the object of the sale.

This was explained to you by the honourable mover, when he stated the mode of paying debts due from the country powers to the company. An honourable gentleman, who is not now in his place, objected to his jumping near two thousand miles for an example. But the southern example is perfectly applicable to the northern claim, as the northern is to the southern; for, throughout the whole space of these two thousand miles, take your stand where you will, the proceeding is perfectly uniform, and what is done in one part will apply exactly to the other.

My second assertion is, that the company never has made a treaty which they have not broken. This position is so connected with that of the sales of provinces and kingdoms, with the negotiation of universal distraction in every part of India, that a very minute detail may well be spared on this point. It has not yet been contended by any enemy to the reform that they have observed any public agreement. When I hear that they have done so in any one instance (which hitherto, I confess, I never heard alleged) I shall speak to the particular treaty. The governor-general has even amused himself and the court of directors in a very singular letter to that board, in which he admits he has not been very delicate with regard to public faith; and he goes so far as to state a regular estimate of the sums which the company would have lost, or never acquired, if the rigid ideas of public faith entertained by his colleagues had been observed. The learned gentleman[1] over against me has indeed saved me much trouble. On a former occasion he obtained no small credit for the clear and forcible manner in which he stated what we have not forgot, and I hope he has not forgot, that universal systematic breach of treaties which had made the British faith proverbial in the East.

It only remains, sir, for me to recapitulate some heads.—The treaty with the mogul, by which we stipulated to pay him 260,000*l.* annually, was broken. This treaty they have broken, and not paid him a shilling.

[1] Mr. Dundas, Lord Advocate of Scotland.

They broke their treaty with him, in which they stipulated to pay 400,000*l.* a year to the subah of Bengal. They agreed with the mogul, for services admitted to have been performed, to pay Nudjif Cawn a pension. They broke this article with the rest, and stopped also this small pension. They broke their treaties with the Nizam, and with Hyder Ali. As to the Marattas, they had so many cross-treaties with the states-general of that nation, and with each of the chiefs, that it was notorious that no one of these agreements could be kept without grossly violating the rest. It was observed, that if the terms of these several treaties had been kept, two British armies would at one and the same time have met in the field to cut each other's throats. The wars which desolate India originated from a most atrocious violation of public faith on our part. In the midst of profound peace the company's troops invaded the Maratta territories and surprised the island and fortress of Salsette. The Marattas nevertheless yielded to a treaty of peace, by which solid advantages were procured to the company. But this treaty, like every other treaty, was soon violated by the company. Again the company invaded the Maratta dominions. The disaster that ensued gave occasion to a new treaty. The whole army of the company was obliged in effect to surrender to this injured, betrayed, and insulted people. Justly irritated, however, as they were, the terms which they prescribed were reasonable and moderate; and their treatment of their captive invaders of the most distinguished humanity. But the humanity of the Marattas was of no power whatsoever to prevail on the company to attend to the observance of the terms dictated by their moderation. The war was renewed with greater vigour than ever; and such was their insatiable lust of plunder, that they never would have given ear to any terms of peace, if Hyder Ali had not broke through the Gauts, and rushing like a torrent into the Carnatic swept away every thing in his career. This was in consequence of that confederacy, which by a sort of miracle united the most discordant powers for

our destruction, as a nation in which no other could put any trust, and who were the declared enemies of the human species.

It is very remarkable, that the late controversy between the several presidencies, and between them and the court of directors, with relation to these wars and treaties, has not been, which of the parties might be defended for his share in them; but on which of the parties the guilt of all this load of perfidy should be fixed. But I am content to admit all these proceedings to be perfectly regular, to be full of honour and good faith; and wish to fix your attention solely to that single transaction which the advocates of this system select for so transcendent a merit as to cancel the guilt of all the rest of their proceedings; I mean the late treaties with the Marattas.

I make no observation on the total cession of territory, by which they surrendered all they had obtained by their unhappy successes in war, and almost all they had obtained under the treaty of Poorunder. The restitution was proper, if it had been voluntary and seasonable. I attach on the spirit of the treaty, the dispositions it showed, the provisions it made for a general peace, and the faith kept with allies and confederates; in order that the House may form a judgment, from this chosen piece, of the use which has been made (and is likely to be made, if things continue in the same hand) of the trust of the federal powers of this country.

It was the wish of almost every Englishman, that the Maratta peace might lead to a general one; because the Maratta war was only a part of a general confederacy formed against us, on account of the universal abhorrence of our conduct which prevailed in every state, and almost in every house in India. Mr. Hastings was obliged to pretend some sort of acquiescence in this general and rational desire. He therefore consented, in order to satisfy the point of honour of the Marattas, that an article should be inserted to admit Hyder Ali to accede to the pacification. But observe, sir, the spirit of this

man (which if it were not made manifest by a thousand things, and particularly by his proceedings with respect to Lord Macartney) would be sufficiently manifest by this—What sort of article, think you, does he require this essential head of a solemn treaty of general pacification to be? In his instruction to Mr. Anderson, he desires him to admit 'a *vague* article' in favour of Hyder. Evasion and fraud were the declared basis of the treaty. These *vague* articles, intended for a more vague performance, are the things which have damned our reputation in India.

Hardly was this vague article inserted, than, without waiting for any act on the part of Hyder, Mr. Hastings enters into a negotiation with the Maratta chief, Scindia, for a partition of the territories of the prince who was one of the objects to be secured by the treaty. He was to be parcelled out in three parts—one to Scindia; one to the peishwa of the Marattas; and the third to the East India Company, or to (the old dealer and chapman) Mahomet Ali.

During the formation of this project Hyder dies; and before his son could take any one step, either to conform to the tenor of the article, or to contravene it, the treaty of partition is renewed on the old footing, and an instruction is sent to Mr. Anderson to conclude it in form.

A circumstance intervened, during the pendency of this negotiation, to set off the good faith of the company with an additional brilliancy, and to make it sparkle and glow with a variety of splendid faces. General Matthews had reduced that most valuable part of Hyder's dominions called the Country of Biddenore. When the news reached Mr. Hastings he instructed Mr. Anderson to contend for an alteration in the treaty of partition, and to take the Biddenore country out of the common stock, which was to be divided, and to keep it for the company.

The first ground for this variation was its being a separate conquest made before the treaty had actually taken place. Here was a new proof given of the fairness,

equity, and moderation of the company. But the second of Mr. Hastings's reasons for retaining the Biddenore as a separate portion, and his conduct on that second ground, is still more remarkable. He asserted that that country could not be put into the partition stock, because General Matthews had received it on the terms of some convention, which might be incompatible with the partition proposed. This was a reason in itself both honourable and solid; and it showed a regard to faith somewhere, and with some persons. But in order to demonstrate his utter contempt of the plighted faith which was alleged on one part as a reason for departing from it on another, and to prove his impetuous desire for sowing a new war, even in the prepared soil of a general pacification, he directs Mr. Anderson, if he should find strong difficulties impeding the partition, on the score of the subtraction of Biddenore, wholly to abandon that claim, and to conclude the treaty on the original terms. General Matthews's convention was just brought forward sufficiently to demonstrate to the Marattas the slippery hold which they had on their new confederate; on the other hand, that convention being instantly abandoned, the people of India were taught, that no terms on which they can surrender to the company are to be regarded when farther conquests are in view.

Next, sir, let me bring before you the pious care that was taken of our allies under that treaty which is the subject of the company's applauses. These allies were Ragonaut Row, for whom we had engaged to find a throne; the Guickwar (one of the Guzerat princes), who was to be emancipated from the Maratta authority, and to grow great by several accessions of dominion; and lastly, the rana of Gohud, with whom we had entered into a treaty of partition for eleven-sixteenths of our joint conquests. Some of these inestimable securities, called *vague* articles, were inserted in favour of them all.

As to the first, the unhappy abdicated peishwa, and pretender to the Maratta throne, Ragonaut Row, was

delivered up to his people, with an article for safety, and some provision. This man, knowing how little vague the hatred of his countrymen was towards him, and well apprized of what black crimes he stood accused (among which our invasion of his country would not appear the least), took a mortal alarm at the security we had provided for him. He was thunderstruck at the article in his favour by which he was surrendered to his enemies. He never had the least notice of the treaty; and it was apprehended that he would fly to the protection of Hyder Ali, or some other, disposed or able to protect him. He was therefore not left without comfort; for Mr. Anderson did him the favour to send a special messenger, desiring him to be of good cheer and to fear nothing. And his old enemy, Scindia, at our request, sent him a message equally well calculated to quiet his apprehensions.

By the same treaty the Guickwar was to come again, with no better security, under the dominion of the Maratta state. As to the rana of Gohud, a long negotiation depended for giving him up. At first this was refused by Mr. Hastings with great indignation; at another stage it was admitted as proper, because he had shown himself a most perfidious person. But at length a method of reconciling these extremes was found out, by contriving one of the usual articles in his favour. What I believe will appear beyond all belief, Mr. Anderson exchanged the final ratifications of that treaty by which the rana was nominally secured in his possessions, in the camp of the Maratta chief, Scindia, whilst he was (really and not nominally) battering the castle of Gualior, which we had given, agreeably to treaty, to this deluded ally. Scindia had already reduced the town; and was at the very time, by various detachments, reducing one after another the fortresses of our protected ally, as well as in the act of chastising all the rajahs who had assisted Colonel Carnac in his invasion. I have seen in a letter from Calcutta, that the rana of Gohud's agent would have represented these hostilities (which went hand in hand with the protecting treaty)

to Mr. Hastings; but he was not admitted to his presence.

In this manner the company has acted with their allies in the Maratta war. But they did not rest here: the Marattas were fearful lest the persons delivered to them by that treaty should attempt to escape into the British territories, and thus might elude the punishment intended for them, and, by reclaiming the treaty, might stir up new disturbances. To prevent this they desired an article to be inserted in the supplemental treaty, to which they had the ready consent of Mr. Hastings, and the rest of the company's representatives in Bengal. It was this, "That the English and Maratta governments mutually agree not to afford refuge to any *chiefs, merchants, or other persons* flying for protection to the territories of the other.' This was readily assented to, and assented to without any exception whatever, in favour of our surrendered allies. On their part a reciprocity was stipulated which was not unnatural for a government like the company's to ask; a government conscious that many subjects had been, and would in future be, driven to fly from its jurisdiction.

To complete the system of pacific intention and public faith, which predominate in these treaties, Mr. Hastings fairly resolved to put all peace, except on the terms of absolute conquest, wholly out of his own power. For, by an article in this second treaty with Scindia, he binds the company not to make any peace with Tippo Saheb without the consent of the peishwa of the Marattas; and binds Scindia to him by a reciprocal engagement. The treaty between France and England obliges us mutually to withdraw our forces, if our allies in India do not accede to the peace within four months; Mr. Hastings's treaty obliges us to continue the war as long as the peishwa thinks fit. We are now in that happy situation, that the breach of the treaty with France, or the violation of that with the Marattas, is inevitable; and we have only to take our choice.

My third assertion, relative to the abuse made of the right of war and peace is, that there are none who have

ever confided in us who have not been utterly ruined. The examples I have given of Ragonaut Row, of Guickwar, of the rana of Gohud, are recent. There is proof more than enough in the condition of the mogul; in the slavery and indigence of the nabob of Oude; the exile of the rajah of Benares; the beggary of the nabob of Bengal; the undone and captive condition of the rajah and kingdom of Tanjore; the destruction of the polygars; and, lastly, in the destruction of the nabob of Arcot himself, who, when his dominions were invaded, was found entirely destitute of troops, provisions, stores, and (as he asserts) of money, being a million in debt to the company, and four millions to others: the many millions which he had extorted from so many extirpated princes and their desolated countries having (as he has frequently hinted) been expended for the ground-rent of his mansion-house in the alley in the suburbs of Madras. Compare the condition of all these princes with the power and authority of all the Maratta states; with the independence and dignity of the soubah of the Decan; and the mighty strength, the resources, and the manly struggle of Hyder Ali; and then the House will discover the effects, on every power in India, of an easy confidence, or of a rooted distrust in the faith of the company.

These are some of my reasons, grounded on the abuse of the external political trust of that body, for thinking myself not only justified, but bound, to declare against those chartered rights which produce so many wrongs. I should deem myself the wickedest of men if any vote of mine could contribute to the continuance of so great an evil.

Now, sir, according to the plan I proposed, I shall take notice of the company's internal government, as it is exercised first on the dependent provinces, and then as it affects those under the direct and immediate authority of that body. And here, sir, before I enter into the spirit of their interior government, permit me to observe to you upon a few of the many lines of difference which are to be found between the vices of the com-

pany's government, and those of the conquerors who preceded us in India; that we may be enabled a little the better to see our way in an attempt to the necessary information.

The several irruptions of Arabs, Tartars, and Persians into India were, for the greater part, ferocious, bloody, and wasteful in the extreme: our entrance into the dominion of that country was, as generally, with small comparative effusion of blood; being introduced by various frauds and delusions, and by taking advantage of the incurable, blind, and senseless animosity, which the several country powers bear towards each other, rather than by open force. But the difference in favour of the first conquerors is this; the Asiatic conquerors very soon abated their ferocity, because they made the conquered country their own. They rose or fell with the rise or fall of the territory they lived in. Fathers there deposited the hopes of their posterity; and children there beheld the monuments of their fathers. Here their lot was finally cast; and it is the natural wish of all that their lot should not be cast in a bad land. Poverty, sterility, and desolation, are not a recreating prospect to the eye of man; and there are very few who can bear to grow old among the curses of a whole people. If their passion or their avarice drove the Tartar lords to acts of rapacity or tyranny, there was time enough, even in the short life of man, to bring round the ill effects of an abuse of power upon the power itself. If hoards were made by violence and tyranny, they were still domestic hoards; and domestic profusion, or the rapine of a more powerful and prodigal hand, restored them to the people. With many disorders, and with few political checks upon power, nature had still fair play; the sources of acquisition were not dried up; and therefore the trade, the manufactures, and the commerce of the country, flourished. Even avarice and usury itself operated both for the preservation and the employment of national wealth. The husbandman and manufacturer paid heavy interest, but then they augmented the fund from

whence they were again to borrow. Their resources were dearly bought, but they were sure; and the general stock of the community grew by the general effort.

But under the English government all this order is reversed. The Tartar invasion was mischievous; but it is our protection that destroys India. It was their enmity, but it is our friendship. Our conquest there, after twenty years, is as crude as it was the first day. The natives scarcely know what it is to see the grey head of an Englishman. Young men (boys almost) govern there, without society, and without sympathy with the natives. They have no more social habits with the people than if they still resided in England; nor, indeed, any species of intercourse but that which is necessary to making a sudden fortune, with a view to a remote settlement. Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another; wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting. Every rupee of profit made by an Englishman is lost for ever to India. With us are no retributory superstitions, by which a foundation of charity compensates, through ages, to the poor, for the rapine and injustice of a day. With us no pride erects stately monuments which repair the mischiefs which pride had produced, and which adorn a country out of its own spoils. England has erected no churches, no hospitals [1], no palaces, no schools; England has built no bridges, made no high roads, cut no navigations, dug out no reservoirs. Every other conqueror of every other description has left some monument, either of state or beneficence, behind him. Were we to be driven out of India this day, nothing would remain to tell that it had been possessed, during the inglorious period of our dominion, by anything better than the ourang-outang or the tiger.

[1] The paltry foundation at Calcutta is scarcely worth naming as an exception.

There is nothing in the boys we send to India worse, than in the boys whom we are whipping at school, or that we see trailing a pike, or bending over a desk at home. But as English youth in India drink the intoxicating draught of authority and dominion before their heads are able to bear it, and as they are full grown in fortune long before they are ripe in principle, neither nature nor reason have any opportunity to exert themselves for remedy of the excesses of their premature power. The consequences of their conduct, which in good minds (and many of theirs are probably such) might produce penitence or amendment, are unable to pursue the rapidity of their flight. Their prey is lodged in England; and the cries of India are given to seas and winds, to be blown about, in every breaking up of the monsoon, over a remote and unhearing ocean. In India all the vices operate by which sudden fortune is acquired; in England are often displayed by the same persons the virtues which dispense hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation, at a board of elegance and hospitality. Here the manufacturer and husbandman will bless the just and punctual hand that in India has torn the cloth from the loom, or wrested the scanty portion of rice and salt from the peasant of Bengal, or wrung from him the very opium in which he forgot his oppressions and his oppressor. They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely a house in the kingdom that does not feel some concern and interest, that makes all reform of our eastern government appear officious and disgusting; and, on the whole, a most discouraging attempt. In such an attempt you hurt those who are able to return kindness, or to resent injury. If you succeed you save those who cannot so much as give you thanks. All these things show the difficulty of the work we have on hand; but they show its necessity too.

Our Indian government is in its best state a grievance. It is necessary that the correctives should be uncommonly vigorous; and the work of men, sanguine, warm, and even impassioned in the cause. But it is an arduous thing to plead against abuses of a power which originates from your own country, and affects those whom we are used to consider as strangers.

I shall certainly endeavour to modulate myself to this temper; though I am sensible that a cold style of describing actions, which appear to me in a very affecting light, is equally contrary to the justice due to the people, and to all genuine human feelings about them. I ask pardon of truth and nature for this compliance. But I shall be very sparing of epithets either to persons or things. It has been said (and, with regard to one of them, with truth) that Tacitus and Machiavel, by their cold way of relating enormous crimes, have in some sort appeared not to disapprove them; that they seem a sort of professors of the art of tyranny, and that they corrupt the minds of their readers, by not expressing the detestation and horror, that naturally belong to horrible and detestable proceedings. But we are in general, sir, so little acquainted with Indian details; the instruments of oppression under which the people suffer are so hard to be understood; and even the very names of the sufferers are so uncouth and strange to our ears, that it is very difficult for our sympathy to fix upon these objects. I am sure that some of us have come down stairs from the committee-room, with impressions on our minds, which to us were the inevitable results of our discoveries, yet if we should venture to express ourselves in the proper language of our sentiments, to other gentlemen, not at all prepared to enter into the cause of them, nothing could appear more harsh and dissonant, more violent and unaccountable, than our language and behaviour. All these circumstances are not, I confess, very favourable to the idea of our attempting to govern India at all. But there we are: there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.

Upon the plan which I laid down, and to which I beg leave to return, I was considering the conduct of the company to those nations which are indirectly subject to their authority. The most considerable of the dependent princes is the nabob of Oude. My right honourable friend [1], to whom we owe the remedial bills on your table, has already pointed out to you, in one of the reports, the condition of that prince, and as it stood in the time he alluded to. I shall only add a few circumstances that may tend to awaken some sense of the manner in which the condition of the people is affected by that of the prince, and involved in it; and to show you, that when we talk of the sufferings of princes we do not lament the oppression of individuals; and that in these cases the high and the low suffer together.

In the year 1779, the nabob of Oude represented, through the British resident at his court, that the number of company's troops stationed in his dominions was a main cause of his distress; and that all those which he was not bound by treaty to maintain should be withdrawn, as they had greatly diminished his revenue, and impoverished his country. I will read you, if you please, a few extracts from these representations.

He states, 'that the country and cultivation are abandoned; and this year in particular, from the excessive drought of the season, deductions of many lacs having been allowed to the farmers, who are still left unsatisfied;' and then he proceeds with a long detail of his own distress, and that of his family and all his dependents; and adds, 'that the new-raised brigade is not only quite useless to my government, but is moreover the cause of much loss, both in revenues and customs. The detached body of troops under European officers bring nothing *but confusion to the affairs of my government, and are entirely their own masters.*' Mr. Middleton, Mr. Hastings's confidential resident, vouches for the truth of this representation in its fullest extent. 'I am concerned to confess that there is too good ground for this plea. *The misfortune has been general throughout*

[1] Mr. Fox.

the whole of the vizier's [the nabob of Oude] *dominions*, obvious to everybody; and so *fatal* have been its consequences, that no person of either credit or character would enter into engagements with government for farming the country.' He then proceeds to give strong instances of the general calamity, and its effects.

It was now to be seen what steps the governor-general and council took for the relief of this distressed country, long labouring under the vexations of men, and now stricken by the hand of God. The case of a general famine is known to relax the severity even of the most rigorous government.—Mr. Hastings does not deny, or show the least doubt of the fact. The representation is humble, and almost abject. On this representation from a great prince of the distress of his subjects, Mr. Hastings falls into a violent passion; such (as it seems) would be unjustifiable in any one who speaks of any part of *his* conduct. He declares 'that the *demands*, the *tone* in which they were asserted, and the *season* in which they were made, are all equally alarming, and appear to him to require an adequate degree of firmness in this board, in *opposition* to them.' He proceeds to deal out very unreserved language on the person and character of the nabob and his ministers. He declares, that, in a division between him and the nabob, '*the strongest must decide*.' With regard to the urgent and instant necessity from the failure of the crops, he says, 'that *perhaps* expedients *may be found* for affording a *gradual* relief from the burden of which he so heavily complains, and it shall be my endeavour to seek them out:' and lest he should be suspected of too much haste to alleviate sufferings, and to remove violence, he says, 'that these must be *gradually* applied, and their complete *effect* may be *distant*; and this I conceive *is all* he can claim of right.'

This complete effect of his lenity is distant indeed. Rejecting this demand (as he calls the nabob's abject supplication), he attributes it, as he usually does all things of the kind, to the division in their government; and says, 'this is a powerful motive with *me* (however

inclined I might be, *upon any other occasion*, to yield to some *part* of his demand) to give them an *absolute and unconditional refusal* upon the present; and even *to bring to punishment, if my influence can produce that effect, those incendiaries who have endeavoured to make themselves the instruments of division between us.*'

Here, sir, is much heat and passion: but no more consideration of the distress of the country, from a failure of the means of subsistence, and (if possible) the worse evil of an useless and licentious soldiery, than if they were the most contemptible of all trifles. A letter is written in consequence, in such a style of lofty despotism, as I believe hath hitherto been unexampled and unheard-of in the records of the East. The troops were continued. The *gradual* relief, whose effect was to be so *distant*, has *never* been substantially and beneficially applied—and the country is ruined.

Mr. Hastings, two years after, when it was too late, saw the absolute necessity of a removal of the intolerable grievance of this licentious soldiery, which, under pretence of defending it, held the country under military execution. A new treaty and arrangement, according to the pleasure of Mr. Hastings, took place; and this new treaty was broken in the old manner, in every essential article. The soldiery were again sent, and again set loose. The effect of all his manœuvres, from which it seems he was sanguine enough to entertain hopes, upon the state of the country, he himself informs us: 'the event has proved the *reverse* of his hopes, and *accumulation of distress, debasement, and dissatisfaction* to the nabob, and *disappointment and disgrace to me.*—Every measure [which he had himself proposed] has been *so conducted* as to give him cause of displeasure; there are no officers established by whom his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed. A number of the districts without authority, and without the means of personal protection; some of them have been murdered by the zemindars, and those zemindars, instead of punishment, have been permitted to retain their zemindaries with

independent authority; *all* the other zemindars suffered to rise up in rebellion, and to insult the authority of the sirear, without any attempt made to suppress them; and the company's debt, instead of being discharged by the assignments and extraordinary sources of money provided for that *purpose*, is *likely to exceed even the amount at which it stood at the time in which the arrangement with his excellency was concluded.*' The House will smile at the resource on which the directors take credit as such a certainty in their curious account.

This is Mr. Hastings's own narrative of the effects of his own settlements. This is the state of the country which we have been told is in perfect peace and order; and, what is curious, he informs us, that *every part of this was foretold to him in the order and manner in which it happened*, at the very time he made his arrangement of men and measures.

The invariable course of the company's policy is this: either they set up some prince too odious to maintain himself without the necessity of their assistance; or they soon render him odious by making him the instrument of their government. In that case troops are bountifully sent to him to maintain his authority. That he should have no want of assistance, a civil gentleman, called a resident, is kept at his court, who, under pretence of providing duly for the pay of these troops, gets assignments on the revenue into his hands. Under his provident management debts soon accumulate; new assignments are made for these debts; until, step by step, the whole revenue, and with it the whole power of the country, is delivered into his hands. The military do not behold without a virtuous emulation the moderate gains of the civil department. They feel that, in a country driven to habitual rebellion by the civil government, the military is necessary; and they will not permit their services to go unrewarded. Tracts of country are delivered over to their discretion. Then it is found proper to convert their commanding officers into farmers of revenue. Thus between the well-paid civil, and well-rewarded military establishment, the

situation of the natives may be easily conjectured. The authority of the regular and lawful government is every where and in every point extinguished. Disorders and violences arise; they are repressed by other disorders and other violences. Wherever the collectors of the revenue, and the farming colonels and majors move, ruin is about them, rebellion before and behind them. The people in crowds fly out of the country; and the frontier is guarded by lines of troops, not to exclude an enemy, but to prevent the escape of the inhabitants.

By these means, in the course of not more than four or five years, this once opulent and flourishing country, which, by the accounts given in the Bengal consultations, yielded more than three crore of Sicca rupees, that is, above three millions sterling annually, is reduced, as far as I can discover, in a matter purposely involved in the utmost perplexity, to less than one million three hundred thousand pounds, and that exacted by every mode of rigour that can be devised. To complete the business, most of the wretched remnants of this revenue are mortgaged, and delivered into the hands of usurers at Benares (for there alone are to be found some lingering remains of the ancient wealth of these regions) at an interest of near *thirty per cent. per annum.*

The revenues in this manner failing, they seized upon the estates of every person of eminence in the country, and, under the name of *resumption*, confiscated their property. I wish, sir, to be understood universally and literally, when I assert, that there is not left one man of property and substance for his rank in the whole of these provinces, in provinces which are nearly the extent of England and Wales taken together. Not one landholder, not one banker, not one merchant, not one even of those who usually perish last, the *ultimum moriens* in a ruined state, not one farmer of revenue.

One country for a while remained, which stood as an island in the midst of the grand waste of the company's dominion. My right honourable friend, in his admirable speech on moving the bill, just touched the situation, the offences, and the punishment of a native prince,

called Fizulla Khân. This man, by policy and force, had protected himself from the general extirpation of the Rohilla chiefs. He was secured (if that were any security) by a treaty. It was stated to you, as it was stated by the enemies of that unfortunate man—'that the whole of his country *is* what the whole country of the Rohillas *was*, cultivated like a garden, without one neglected spot in it.' Another accuser says, 'Fyzoolah Kahn, though a bad soldier [that is the true source of his misfortune] has approved himself a good aumil; having, it is supposed, in the course of a few years, at least *doubled* the population and revenue of his country.' In another part of the correspondence he is charged with making his country an asylum for the oppressed peasants, who fly from the territories of Oude. The improvement of his revenue, arising from this single crime (which Mr. Hastings considers as tantamount to treason), is stated at one hundred and fifty thousand pounds a year.

Dr. Swift somewhere says, that he who could make two blades of grass grow where but one grew before, was a greater benefactor to the human race than all the politicians that ever existed. This prince, who would have been deified by antiquity, who would have been ranked with Osiris, and Bacchus, and Ceres, and the divinities most propitious to men, was, for those very merits, by name attacked by the company's government, as a cheat, a robber, a traitor. In the same breath in which he was accused as a rebel, he was ordered at once to furnish 5000 horse. On delay, or (according to the technical phrase, when any remonstrance is made to them) '*on evasion*,' he was declared a violater of treaties, and every thing he had was to be taken from him. Not one word, however, of horse in this treaty.

The territory of this Fizulla Khân, Mr. Speaker, is less than the county of Norfolk. It is an inland country, full seven hundred miles from any sea port, and not distinguished for any one considerable branch of manufacture whatsoever. From this territory several very considerable sums had at several times been paid to the British resident. The demand of cavalry, without a

shadow or decent pretext of right, amounted to three hundred thousand a year more, at the lowest computation; and it is stated, by the last person sent to negotiate, as a demand of little use, if it could be complied with; but that the compliance was impossible, as it amounted to more than his territories could supply, if there had been no other demand upon him—three hundred thousand pounds a year from an inland country not so large as Norfolk!

The thing most extraordinary was to hear the culprit defend himself from the imputation of his virtues, as if they had been the blackest offences. He extenuated the superior cultivation of his country. He denied its population. He endeavoured to prove that he had often sent back the poor peasant that sought shelter with him—I can make no observation on this.

After a variety of extortions and vexations, too fatiguing to you, too disgusting to me, to go through with, they found 'that they ought to be in a better state to warrant forcible means;' they therefore contented themselves with a gross sum of one hundred and fifty thousand pounds for their present demand. They offered him indeed an indemnity from their exactions in future for three hundred thousand pounds more. But he refused to buy their securities; pleading (probably with truth) his poverty; but if the plea were not founded, in my opinion very wisely; not choosing to deal any more in that dangerous commodity of the company's faith; and thinking it better to oppose distress and unarmed obstinacy to uncoloured exaction, than to subject himself to be considered as a cheat, if he should make a treaty in the least beneficial to himself.

Thus they executed an exemplary punishment on Fizulla Khân for the culture of his country. But, conscious that the prevention of evils is the great object of all good regulation, they deprived him of the means of increasing that criminal cultivation in future, by exhausting his coffers; and, that the population of his country should no more be a standing reproach and libel on the company's government, they bound him,

by a positive engagement, not to afford any shelter whatsoever to the farmers and labourers who should seek refuge in his territories from the exactions of the British residents in Oude. When they had done all this effectually, they gave him a full and complete acquittance from all charges of rebellion, or of any intention to rebel, or of his having originally had any interest in, or any means of rebellion.

Those intended rebellions are one of the company's standing resources. When money has been thought to be heaped up any where, its owners are universally accused of rebellion, until they are acquitted of their money and their treasons at once. The money once taken, all accusation, trial, and punishment ends. It is so settled a resource, that I rather wonder how it comes to be omitted in the directors' account; but I take it for granted this omission will be supplied in their next edition.

The company stretched this resource to the full extent when they accused two old women, in the remotest corner of India, (who could have no possible view or motive to raise disturbances) of being engaged in rebellion, with an intent to drive out the English nation, in whose protection, purchased by money and secured by treaty, rested the sole hope of their existence. But the company wanted money, and the old women *must* be guilty of a plot. They were accused of rebellion, and they were convicted of wealth. Twice had great sums been extorted from them, and as often had the British faith guaranteed the remainder. A body of British troops, with one of the military farmers-general at their head, was sent to seize upon the castle in which these helpless women resided. Their chief eunuchs, who were their agents, their guardians, protectors, persons of high rank according to the Eastern manners, and of great trust, were thrown into dungeons, to make them discover their hidden treasures; and there they lie at present. The lands assigned for the maintenance of the women were seized and confiscated. Their jewels and effects were taken, and set up to a pretended auction

in an obscure place, and bought at such a price as the gentlemen thought proper to give. No account has ever been transmitted of the articles or produce of this sale. What money was obtained is unknown, or what terms were stipulated for the maintenance of these despoiled and forlorn creatures; for by some particulars it appears as if an engagement of the kind was made.

Let me here remark, once for all, that though the act of 1773 requires that an account of all proceedings should be diligently transmitted, that this, like all the other injunctions of the law, is totally despised, and that half at least of the most important papers are intentionally withheld.

I wish you, sir, to advert particularly, in this transaction, to the quality and the numbers of the persons spoiled, and the instrument by whom that spoil was made. These ancient matrons, called the Begums, or Princesses, were of the first birth and quality in India, the one mother, the other wife of the late nabob of Oude, Sujah Dowlah, a prince possessed of extensive and flourishing dominions, and the second man in the Mogul empire. This prince (suspicious, and not unjustly suspicious, of his son and successor) at his death committed his treasures and his family to the British faith. That family and household consisted of *two thousand women*, to which were added two other seraglios of near kindred, and said to be extremely numerous, and (as I am well informed) of about fourscore of the nabob's children, with all the eunuchs, the ancient servants, and a multitude of the dependents of his splendid court. These were all to be provided, for present maintenance and future establishment, from the lands assigned as dower, and from the treasures which he left to these matrons, in trust for the whole family.

So far as to the objects of the spoil. The *instrument* chosen by Mr. Hastings to despoil the relict of Sujah Dowlah was *her own son*, the reigning nabob of Oude. It was the pious hand of a son that was selected to tear from his mother and grandmother the provision of their age, the maintenance of his brethren, and of all the

ancient household of his father. [Here a laugh from some young members.] The laugh is *seasonable*, and the occasion decent and proper.

By the last advices, something of the sum extorted remained unpaid. The women, in despair, refuse to deliver more, unless their lands are restored, and their ministers released from prison; but Mr. Hastings and his council, steady to their point, and consistent to the last in their conduct, write to the resident to stimulate the son to accomplish the filial acts he had brought so near to their perfection. 'We desire,' say they in their letter to the resident, (written so late as March last) 'that you will inform us if any, and what means, have been taken for recovering the balance due from the Begum [Princess] at Fizabad; and that, if necessary, you *recommend* it to the vizier to enforce *the most effectual means* for that purpose.'

What their effectual means of enforcing demands on women of high rank and condition are, I shall show you, sir, in a few minutes; when I represent to you another of these plots and rebellions, which *always* in India, though so *rarely* any where else, are the offspring of an easy condition and hoarded riches.

Benares is the capital city of the Indian religion. It is regarded as holy by a particular and distinguished sanctity; and the Gentoos in general think themselves as much obliged to visit it once in their lives, as the Mahometans to perform their pilgrimage to Mecca. By this means that city grew great in commerce and opulence: and so effectually was it secured by the pious veneration of that people, that in all wars and in all violences of power, there was so sure an asylum, both for poverty and wealth (as it were under a divine protection) that the wisest laws and best assured free constitution could not better provide for the relief of the one, or the safety of the other; and this tranquillity influenced to the greatest degree the prosperity of all the country, and the territory of which it was the capital. The interest of money there was not more than half the usual rate in which it stood in all other places. The

reports have fully informed you of the means and of the terms in which this city and the territory called Gazipour, of which it was the head, came under the sovereignty of the East India Company.

If ever there was a subordinate dominion pleasantly circumstanced to the superior power it was this; a large rent or tribute, to the amount of two hundred and sixty thousand pounds a year, was paid in monthly instalments with the punctuality of a dividend at the Bank. If ever there was a prince who could not have an interest in disturbances, it was its sovereign, the rajah Cheit Sing. He was in possession of the capital of his religion, and a willing revenue was paid by the devout people who resorted to him from all parts. His sovereignty and his independence, except his tribute, were secured by every tie. His territory was not much less than half of Ireland, and displayed in all parts a degree of cultivation, ease, and plenty, under his frugal and paternal management, which left him nothing to desire, either for honour or satisfaction.

This was the light in which the country appeared to almost every eye. But Mr. Hastings beheld it askance. Mr. Hastings tells us that it was *reported* of this Cheit Sing that his father left him a million sterling, and that he made annual accessions to the hoard. Nothing could be so obnoxious to indigent power. So much wealth could not be innocent. The House is fully acquainted with the unfounded and unjust requisitions which were made upon this prince. The question has been most ably and conclusively cleared up in one of the reports of the select committee, and in an answer of the court of directors to an extraordinary publication against them by their servant, Mr. Hastings. But I mean to pass by these exactions, as if they were perfectly just and regular; and having admitted them, I take what I shall now trouble you with, only as it serves to show the spirit of the company's government, the mode in which it is carried on, and the maxims on which it proceeds.

Mr. Hastings, from whom I take the doctrine, endeavours to prove that Cheit Sing was no sovereign

prince; but a mere zemindar or common subject, holding land by rent. If this be granted to him, it is next to be seen under what terms he is of opinion such a landholder, that is a British subject, holds his life and property under the company's government. It is proper to understand well the doctrines of the person whose administration has lately received such distinguished approbation from the company. His doctrine is—'that the company, or the *person delegated by it*, holds *an absolute* authority over such zemindars;—that he [such a subject] owes *an implicit* and *unreserved* obedience to its authority, at the *forfeiture* even of his *life* and *property*, at the DISCRETION of those who held *or fully represented* the sovereign authority;—and that *these* rights are *fully* delegated to *him*, Mr. Hastings.'

Such is a British governor's idea of the condition of a great zemindar holding under a British authority; and this kind of authority he supposes fully delegated to *him;* though no such delegation appears in any commission, instruction, or act of parliament. At his *discretion* he may demand of the substance of any zemindar over and above his rent or tribute even what he pleases, with a sovereign authority; and if he does not yield an *implicit unreserved* obedience to all his commands, he forfeits his lands, his life, and his property, at Mr. Hastings's *discretion.* But extravagant, and even frantic as these positions appear, they are less so than what I shall now read to you; for he asserts, that if any one should urge an exemption from more than a stated payment, or should consider the deeds which passed between him and the board as bearing *the quality and force* of a treaty 'between equal states,' he says, 'that such an opinion is itself criminal to the state of which he is a subject; and that he was himself amenable to its justice, if he gave *countenance* to such a *belief.*' Here is a new species of crime invented, that of countenancing a belief—but a belief of what? A belief of that which the court of directors, Hastings's masters, and a committee of this House, have decided as this prince's indisputable right.

But supposing the rajah of Benares to be a mere subject, and that subject a criminal of the highest form; let us see what course was taken by an upright English magistrate. Did he cite this culprit before his tribunal? Did he make a charge? Did he produce witnesses? These are not forms; they are forms of substantial and eternal justice. No, not a word of all this; Mr. Hastings concludes him, *in his own mind*, to be guilty; he makes this conclusion on reports, on hearsays, on appearances, on rumours, on conjectures, on presumptions; and even these never once hinted to the party, nor publicly to any human being till the whole business was done.

But the governor tells you his motive for this extraordinary proceeding, so contrary to every mode of justice towards either a prince or a subject, fairly and without disguise; and he puts into your hands the key of his whole conduct:—'I will suppose, for a moment, that I have acted with unwarrantable rigour towards Cheit Sing, and even within justice.—Let my MOTIVE be consulted. I left Calcutta, impressed with a belief that *extraordinary means* were necessary, and those exerted with a *steady hand*, to preserve the company's *interests from sinking under the accumulated weight which oppressed them.* I saw a *political necessity* for curbing the *overgrown* power of a great member of their dominion, and *for making it contribute to the relief of their pressing exigencies.*' This is plain speaking; after this, it is no wonder that the rajah's wealth and his offence, the necessities of the judge, and the opulence of the delinquent, are never separated through the whole of Mr. Hastings's apology. 'The justice and *policy* of exacting *a large pecuniary mulct.*' The resolution 'to *draw from his guilt* the means *of relief to the company's distresses.*' His determination 'to make him *pay largely* for his pardon, or to execute a severe vengeance for past delinquency.' That 'as his *wealth was great*, and the *company's exigencies* pressing, he thought it a measure of justice and policy to exact from him a large pecuniary mulct *for their relief.*'—'The sum' (says Mr.

Wheler bearing evidence, at his desire, to his intentions) 'to which the governor declared his resolution to extend his fine, was forty or fifty lacs, *that is, four or five hundred thousand pounds;* and that if he refused, he was to be removed from his zemindary entirely; or by taking possession of his forts, to obtain, *out of the treasure deposited in them*, the above sum for the company.'

Crimes so convenient, crimes so politic, crimes so necessary, crimes so alleviating of distress, can never be wanting to those who use no process, and who produce no proofs.

But there is another serious part (what is not so?) in this affair. Let us suppose that the power for which Mr. Hastings contends, a power which no sovereign ever did, or ever can vest in any of his subjects, namely, his own sovereign authority, to be conveyed by the act of parliament to any man or body of men whatsoever; it certainly was never given to Mr. Hastings. The powers given by the act of 1773 were formal and official; they were given not to the governor-general, but to the major vote of the board, as a board, on discussion amongst themselves, in their public character and capacity; and their acts in that character and capacity were to be ascertained by records and minutes of council. The despotic acts exercised by Mr. Hastings were done merely in his *private* character; and, if they had been moderate and just, would still be the acts of an usurped authority, and without any one of the legal modes of proceeding which could give him competence for the most trivial exertion of power. There was no proposition or deliberation whatsoever in council, no minute on record, by circulation or otherwise, to authorize his proceedings. No delegation of power to impose a fine, or to take any step to deprive the rajah of Benares of his government, his property, or his liberty. The minutes of consultation assign to his journey a totally different object, duty, and destination. Mr. Wheler, at his desire, tells us long after, that he had a confidential conversation with him on various subjects, of which this was the principal, in which Mr. Hastings

notified to him his secret intentions; 'and that he *bespoke* his support of the measures which he intended to pursue towards him' (the rajah). This confidential discourse, and *bespeaking* of support, could give him no power, in opposition to an express act of parliament, and the whole tenor of the orders of the court of directors.

In what manner the powers thus usurped were employed is known to the whole world. All the House knows that the design on the rajah proved as unfruitful as it was violent. The unhappy prince was expelled, and his more unhappy country was enslaved and ruined; but not a rupee was acquired. Instead of a treasure to recruit the company's finances, wasted by their wanton wars and corrupt jobs, they were plunged into a new war which shook their power in India to its foundation; and, to use the governor's own happy simile, might have dissolved it like a magic structure, if the talisman had been broken.

But the success is no part of my consideration, who should think just the same of this business, if the spoil of one rajah had been fully acquired, and faithfully applied to the destruction of twenty other rajahs. Not only the arrest of the rajah in his palace was unnecessary and unwarrantable, and calculated to stir up any manly blood which remained in his subjects; but the despotic style, and the extreme insolence of language and demeanour, used to a person of great condition among the politest people in the world, was intolerable. Nothing aggravates tyranny so much as contumely. *Quicquid superbia in contumeliis* was charged by a great man of antiquity, as a principal head of offence against the governor-general of that day. The unhappy people were still more insulted. A relation, but an *enemy* to the family, a notorious robber and villain, called Ussaun Sing, kept as a hawk in a mew, to fly upon this nation, was set up to govern there, instead of a prince honoured and beloved. But when the business of insult was accomplished, the revenue was too serious a concern to be intrusted to such hands. Another was set up in his place, as guardian to an infant.

But here, sir, mark the effect of all these *extraordinary* means, of all this policy and justice. The revenues, which had been hitherto paid with such astonishing punctuality, fell into arrear. The new prince guardian was deposed without ceremony; and with as little, cast into prison. The government of that once happy country has been in the utmost confusion ever since such good order was taken about it. But, to complete the contumely offered to this undone people, and to make them feel their servitude in all its degradation, and all its bitterness, the government of their sacred city, the government of that Benares which had been so respected by Persian and Tartar conquerors, though of the Mussulman persuasion, that even in the plenitude of their pride, power and bigotry, no magistrate of that sect entered the place, was now delivered over by English hands to a Mahometan; and an Ali Ibraim Khân was introduced, under the company's authority, with power of life and death, into the sanctuary of the Gentoo religion.

After this, the taking off a slight payment, cheerfully made by pilgrims to a chief of their own rites, was represented as a mighty benefit. It remains only to show, through the conduct in this business, the spirit of the company's government, and the respect they pay towards other prejudices, not less regarded in the East than those of religion; I mean the reverence paid to the female sex in general, and particularly to women of high rank and condition. During the general confusion of the country of Gazypore, Panna, the mother of Cheit Sing, was lodged with her train in a castle called Bidgé Gur, in which were likewise deposited a large portion of the treasures of her son, or more probably her own. To whomsoever they belonged was indifferent; for though no charge of rebellion was made on this woman (which was rather singular, as it would have cost nothing), they were resolved to secure her with her fortune. The castle was besieged by Major Popham.

There was no great reason to apprehend that soldiers ill paid, that soldiers who thought they had been de-

frauded of their plunder on former services of the same kind, would not have been sufficiently attentive to the spoil they were expressly come for; but the gallantry and generosity of the profession was justly suspected, as being likely to set bounds to military rapaciousness. The company's first civil magistrate discovered the greatest uneasiness lest the women should have anything preserved to them. Terms, tending to put some restraint on military violence, were granted. He writes a letter to Mr. Popham, referring to some letter written before to the same effect, which I do not remember to have seen; but it shows his anxiety on this subject. Hear himself:—'I think *every* demand she has made on you, except that of safety and respect to her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or *any negotiation*, would soon obtain you the fort upon your own terms. I apprehend she will attempt to *defraud the captors of a considerable part of their booty, by being suffered to retire without examination.* But this is your concern, not mine. I should *be very sorry* that your officers and soldiers lost *any* part of the reward to which they are so well entitled; but you must be the best judge of the *promised* indulgence to the ranny; what you have engaged for I will certainly ratify; but as to suffering the ranny to hold the purgunna of Hurlich, or any other zemindary, without being subject to the authority of the zemindar, *or any lands whatsoever*, or indeed making *any* condition with her for a *provision*, I will *never consent.*'

Here your governor stimulates a rapacious and licentious soldiery to the personal search of women, lest these unhappy creatures should avail themselves of the protection of their sex to secure any supply for their necessities; and he positively orders that no stipulation should be made for any provision for them. The widow and mother of a prince, well informed of her miserable situation, and the cause of it, a woman of this rank became a suppliant to the domestic servant of Mr. Hastings (they are his own words that I read), 'im-

ploring his intercession, that she may be relieved *from the hardships and dangers of her present situation;* and offering to surrender the fort, and the *treasure and valuable effects* contained in it, provided she can be assured *of safety and protection to her person and honour,* and to that of her family and attendants.' He is so good as to consent to this, 'provided she surrenders everything of value, with the reserve *only* of such articles as *you* shall think *necessary* to her condition, or as you *yourself* shall be disposed to indulge her with.—But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is *my positive* injunction, that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints or *trifles* with me, after I have subjected *my duan* to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a *wanton* affront and indignity *which I can never forgive;* nor will I grant her *any* conditions whatever, but leave her exposed *to those* dangers which she has chosen to risk, rather than trust to the clemency and generosity of our government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send *my duan* to her.' The dreadful secret, hinted at by the merciful governor in the latter part of the letter, is well understood in India; where those who suffer corporeal indignities generally expiate the offences of others with their own blood. However, in spite of all these, the temper of the military did, some way or other, operate. They came to terms which have never been transmitted. It appears that a fifteenth per cent. of the plunder was reserved to the captives, of which the unhappy mother of the prince of Benares was to have a share. This ancient matron, born to better things [a laugh from certain young gentlemen]—I see no cause for this mirth. A good author of antiquity reckons among the calamities of his time. *Nobilissimarum fœminarum exilia et fugas.* I say, sir, this

ancient lady was compelled to quit her house with three hundred helpless women, and a multitude of children in her train; but the lower sort in the camp it seems could not be restrained. They did not forget the good lessons of the governor-general. They were unwilling 'to be defrauded of a considerable part of their booty by suffering them to pass without examination.' They examined them, sir, with a vengeance, and the sacred protection of that awful character, Mr. Hastings's maitre d'hotel, could not secure them from insult and plunder. Here is Popham's narrative of the affair:—'The ranny came out of the fort, with her family and dependents, the 10th at night, owing to which such attention was not paid to her as I wished; and I am exceedingly sorry to inform you, that the *licentiousness of our followers was beyond the bounds of control; for, notwithstanding all I could do, her people were plundered on the road of most of the things which they brought out of the fort, by which means one of the articles of surrender has been much infringed.* The distress I have felt upon this occasion cannot be expressed, and can only be allayed by a firm performance of the other articles of the treaty, which I shall make it my business to enforce.

'The suspicions which the officers had of treachery, and the delay made to our getting possession, had enraged them, as well as the troops, so much, that the treaty was at first regarded as void, but this determination was soon succeeded by pity and compassion for the unfortunate besieged.'—After this comes, in his due order, Mr. Hastings; who is full of sorrow and indignation, &c. &c. &c., according to the best and most authentic precedents established upon such occasions.

The women being thus disposed of, that is, completely despoiled, and pathetically lamented, Mr. Hastings at length recollected the great object of his enterprise, which, during his zeal lest the officers and soldiers should lose any part of their reward, he seems to have forgot; that is to say, 'to draw from the rajah's guilt the means of relief to the company's distresses. This was to be the stronghold of his defence. This

compassion to the company, he knew by experience, would sanctify a great deal of rigour towards the natives. But the military had distresses of their own, which they considered first. Neither Mr. Hastings's authority, not his supplications, could prevail on them to assign a shilling to the claim he made on the part of the company. They divided the booty among themselves. Driven from his claim, he was reduced to petition for the spoil as a loan. But the soldiers were too wise to venture as a loan, what the borrower claimed as a right. In defiance of all authority, they shared among themselves about two hundred thousand pounds sterling, besides what had been taken from the women.

In all this there is nothing wonderful. We may rest assured, that when the maxims of any government establish among its resources extraordinary means, and those exerted with a strong hand, that strong hand will provide those extraordinary means for *itself*. Whether the soldiers had reason or not (perhaps much might be said for them), certain it is, the military discipline of India was ruined from that moment; and the same rage for plunder, the same contempt of subordination, which blasted all the hopes of extraordinary means from your strong hand at Benares, have very lately lost you an army in Mysore. This is visible enough from the accounts in the last Gazette.

There is no doubt but that the country and city of Benares, now brought into the same order, will very soon exhibit, if it does not already display, the same appearances with those countries and cities which are under better subjection. A great master, Mr. Hastings, has himself been at the pains of drawing a picture of one of these countries, I mean the province and city of Farruckabad. There is no reason to question his knowledge of the facts; and his authority (on this point at least) is above all exception, as well for the state of the country as for the cause. In his minute of consultation Mr. Hastings describes forcibly the consequences which arise from the degradation into which we have sunk the native government. 'The total want (says he) of

all order, regularity, or authority, in his (the nabob of Farruckabad's) government, and to which, among other obvious causes, it may no doubt be owing that the country of Farruckabad is become *almost an entire waste, without cultivation or inhabitants;* that the capital, which, but a very short time ago, was distinguished as one of the most populous and opulent commercial cities in Hindostan, at present exhibits nothing but *scenes of the most wretched poverty, desolation and misery;* and that the *nabob himself*, though in the possession of a tract of country which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacs (three or four hundred thousand pounds), with *no military establishment* to maintain, scarcely commands *the means of a bare subsistence.*'

This is a true and unexaggerated picture, not only of Farruckabad, but of at least three-fourths of the country which we possess, or rather lay waste, in India. Now, sir, the House will be desirous to know for what purpose this picture was drawn. It was for a purpose, I will not say laudable, but necessary, that of taking the unfortunate prince and his country out of the hands of a sequestrator sent thither by the nabob of Oude, the mortal enemy of the prince thus ruined, and to protect him by means of a British resident, who might carry his complaints to the superior resident at Oude, or transmit them to Calcutta. But mark how the reformer persisted in his reformation. The effect of the measure was better than was probably expected. The prince began to be at ease; the country began to recover; and the revenue began to be collected. These were alarming circumstances. Mr. Hastings not only recalled the resident, but he entered into a formal stipulation with the nabob of Oude never to send an English subject again to Farruckabad; and thus the country, described as you have heard by Mr. Hastings, is given up for ever to the very persons to whom he had attributed its ruin, that is, to the Sezawals or sequestrators of the nabob of Oude.

Such was the issue of the first attempt to relieve the distresses of the dependent provinces. I shall close what I have to say on the condition of the northern dependencies, with the effect of the last of these attempts. You will recollect, sir, the account I have not long ago stated to you as given by Mr. Hastings of the ruined condition of the destroyer of others, the nabob of Oude, and of the recall, in consequence, of Hannay, Middleton, and Johnson. When the first little sudden gust of passion against these gentlemen was spent, the sentiments of old friendship began to revive. Some healing conferences were held between them and the superior government. Mr. Hannay was permitted to return to Oude; but death prevented the further advantages intended for him, and the future benefits proposed for the country by the provident care of the council general.

One of these gentlemen was accused of the grossest peculations. Two of them by Mr. Hastings himself, of what he considered as very gross offences. The court of directors were informed, by the governor-general and council, that a severe inquiry would be instituted against the two survivors; and they requested that court to suspend its judgment, and to wait the event of their proceedings. A mock inquiry has been instituted, by which the parties could not be said to be either acquitted or condemned. By means of the bland and conciliatory dispositions of the charter-governors, and proper private explanations, the public inquiry has in effect died away; the supposed peculators and destroyers of Oude repose in all security in the bosoms of their accusers; whilst others succeed to them to be instructed by their example.

It is only to complete the view I proposed of the conduct of the company, with regard to the dependent provinces, that I shall say *any* thing at all of the Carnatic, which is the scene, if possible, of greater disorder than the northern provinces. Perhaps it were better to say of this centre and metropolis of abuse, whence all the rest in India and England diverge, from whence they are fed and methodized, what was said of Carthage—

de Carthagine satius est silere quam parum dicere. This country, in all its denominations, is about 46,000 square miles. It may be affirmed universally, that not one person of substance or property, landed, commercial, or monied, excepting two or three bankers, who are necessary deposits and distributors of the general spoil, is left in all that region. In that country the moisture, the bounty of Heaven, is given but at a certain season. Before the era of our influence the industry of man carefully husbanded that gift of God. The Gentoos preserved, with a provident and religious care, the precious deposit of the periodical rain in reservoirs, many of them works of royal grandeur; and from these, as occasion demanded, they fructified the whole country. To maintain these reservoirs, and to keep up an annual advance to the cultivators for seed and cattle, formed a principal object of the piety and policy of the priests and rulers of the Gentoo religion.

This object required a command of money; and there was no pollam, or castle, which in the happy days of the Carnatic was without some hoard of treasure, by which the governors were enabled to combat with the irregularity of the seasons, and to resist or to buy off the invasions of an enemy. In all the cities were multitudes of merchants and bankers for all occasions of monied assistance; and on the other hand, the native princes were in condition to obtain credit from them. The manufacturer was paid by the return of commodities, or by imported money, and not, as at present, in the taxes that had been originally exacted from his industry. In aid of casual distress, the country was full of choultries, which were inns and hospitals, where the traveller and the poor were relieved. All ranks of people had their place in the public concern, and their share in the common stock and common prosperity; but *the chartered rights of men*, and the right which it was thought proper to set up in the nabob of Arcot, introduced a new system. It was their policy to consider hoards of money as crimes; to regard moderate rents as frauds on the sovereign; and to view, in the

lesser princes, any claim of exemption from more than settled tribute as an act of rebellion. Accordingly all the castles were, one after the other, plundered and destroyed. The native princes were expelled; the hospitals fell to ruin; the reservoirs of water went to decay; the merchants, bankers, and manufacturers disappeared; and sterility, indigence, and depopulation, overspread the face of these once flourishing provinces.

The company was very early sensible of these mischiefs, and of their true cause. They gave precise order, 'that the native princes, called polygars, should *not be extirpated*.'—'The rebellion [so they choose to call it] of the polygars, may (they fear) *with too much justice*, be attributed to the mal-administration of the nabob's collectors:'—They observe with concern, that their 'troops have been put to *disagreeable* services.' They might have used a stronger expression without impropriety. But they make amends in another place. Speaking of the polygars, the directors say, that 'it was repugnant to humanity to *force* them to such dreadful extremities *as they underwent*:' that some examples of severity *might* be necessary, 'when they fell into the nabob's hands,' *and not by the destruction of the country*; 'That *they fear* his government is *none of the mildest*; and that there is *great oppression* in collecting his revenues.' They state, that the wars in which he has involved the Carnatic had been a cause of its distresses; 'that these distresses have been certainly great; but those by the *nabob's oppressions* they believe *to be greater than all*.' Pray, sir, attend to the reason for their opinion that the government of this their instrument is more calamitous to the country than the ravages of war.—Because, say they, his oppressions are '*without intermission*.—The other are temporary; by all which *oppressions* we believe the nabob has great wealth in store.' From this store neither he nor they could derive any advantage whatsoever, upon the invasion of Hyder Ali, in the hour of their greatest calamity and dismay.

It is now proper to compare these declarations with

the company's conduct. The principal reason which they assigned against the *extirpation* of the polygars was, that the *weavers* were protected in their fortresses. They might have added, that the company itself, which stung them to death, had been warmed in the bosom of these unfortunate princes: for, on the taking of Madras by the French, it was in their hospitable pollams that most of the inhabitants found refuge and protection. But, notwithstanding all these orders, reasons, and declarations, they at length gave an indirect sanction, and permitted the use of a very direct and irresistible force, to measures which they had, over and over again, declared to be false policy, cruel, inhuman, and oppressive. Having, however, forgot all attention to the princes and the people, they remembered that they had some sort of interest in the trade of the country; and it is matter of curiosity to observe the protection which they afforded to this their natural object.

Full of anxious cares on this head, they direct, 'that in reducing the polygars they (their servants) were to be *cautious*, not to deprive the *weavers and manufacturers* of the protection they often met with in the strongholds of the polygar countries;'—and they write to their instrument, the nabob of Arcot, concerning these poor people in a most pathetic strain. 'We *entreat* your excellency (say they) in particular, to make the manufacturers the object of your *tenderest care;* particularly when you *root out* the polygars, you do not deprive the *weavers of the protection they enjoyed under them.*' When they root out the protectors in favour of the oppressor, they show themselves religiously cautious of the rights of the protected. When they extirpate the shepherd and the shepherd's dog, they piously recommend the helpless flock to the mercy, and even to the *tenderest care*, of the wolf. This is the uniform strain of their policy, strictly forbidding, and at the same time strenuously encouraging and enforcing, every measure that can ruin and desolate the country committed to their charge. After giving the company's idea of the government of this their instrument, it may

appear singular, but it is perfectly consistent with their system, that, besides wasting for him, at two different times, the most exquisite spot upon the earth, Tanjore, and all the adjacent countries, they have even voluntarily put their own territory, that is, a large and fine country adjacent to Madras, called their jaghire, wholly out of their protection; and have contrived to farm their subjects, and their duties towards these subjects, to that very nabob, whom they themselves constantly represent as an habitual oppressor, and a relentless tyrant. This they have done without any pretence of ignorance of the objects of oppression for which this prince has thought fit to become their renter; for he has again and again told them, that it is for the sole purpose of exercising authority he holds the jaghire lands; and he affirms (and I believe with truth) that he pays more for that territory than the revenues yield. This deficiency he must make up from his other territories; and thus, in order to furnish the means of oppressing one part of the Carnatic, he is led to oppress all the rest.

The House perceives that the livery of the company's government is uniform. I have described the condition of the countries indirectly, but most substantially, under the company's authority. And now I ask, whether with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands? If I kept such a faith (which in reality is no better than a *fides latronum*) with what is called the company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.

As I have dwelt so long on these who are indirectly under the company's administration, I will endeavour to be a little shorter upon the countries immediately under this charter-government.—These are the Bengal provinces. The condition of these provinces is pretty

fully detailed in the sixth and ninth reports, and in their appendices. I will select only such principles and instances as are broad and general. To your own thoughts I shall leave it, to furnish the detail of oppressions involved in them. I shall state to you, as shortly as I am able, the conduct of the company;—1st, towards the landed interests;—next, the commercial interests;—3rdly, the native government;—and lastly, to their own government.

Bengal, and the provinces that are united to it, are larger than the kingdom of France; and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the company's servants perceived the decay into which these provinces had fallen under English administration, and they made a strong representation upon this decay, and what they apprehended to be the causes of it. Soon after this representation, Mr. Hastings became president of Bengal. Instead of administering a remedy to this melancholy disorder, upon the heels of a dreadful famine, in the year 1772, the succour which the new president and the council lent to this afflicted nation was—shall I be believed in relating it?—the landed interest of a whole kingdom, of a kingdom to be compared to France, was set up to public auction! They set up (Mr. Hastings set up) the whole nobility, gentry, and freeholders, to the highest bidder. No preference was given to the ancient proprietors. They must bid against every usurer, every temporary adventurer, every jobber and schemer, every servant of every European, or they were obliged to content themselves, in lieu of their extensive domains, with their house, and such a pension as the state auctioneers thought fit to assign. In this general calamity, several of the first nobility thought (and in all appearance justly) that they had better submit to the necessity of this pension, than continue, under the name of zemindars, the objects and instruments of a system, by which they ruined their

tenants, and were ruined themselves. Another reform has since come upon the back of the first; and a pension having been assigned to these unhappy persons, in lieu of their hereditary lands, a new scheme of economy has taken place, and deprived them of that pension.

The menial servants of Englishmen, persons (to use the emphatical phrase of a ruined and patient eastern chief) '*whose fathers they would have disdained to have set with the dogs of their flock*,' entered into their patrimonial lands. Mr. Hastings's bannian was, after this auction, found possessed of territories yielding a rent of one hundred and forty thousand pounds a year.

Such a universal proscription, upon any pretence, has few examples. Such a proscription, without even a pretence of delinquency, has none. It stands by itself. It stands as a monument to astonish the imagination, to confound the reason of mankind. I confess to you, when I first came to know this business in its true nature and extent, my surprise did a little suspend my indignation. I was in a manner stupefied by the desperate boldness of a few obscure young men, who having obtained, by ways which they could not comprehend, a power of which they saw neither the purposes nor the limits, tossed about, subverted, and tore to pieces, as if it were in the gambols of a boyish unluckiness and malice, the most established rights, and the most ancient and most revered institutions of ages and nations. Sir, I will not now trouble you with any detail with regard to what they have since done with these same lands and landholders; only to inform you, that nothing has been suffered to settle for two seasons together upon any basis; and that the levity and inconstancy of these mock legislators were not the least afflicting parts of the oppressions suffered under their usurpation; nor will any thing give stability to the property of the natives, but an administration in England at once protecting and stable. The country sustains, almost every year, the miseries of a revolution. At present all is uncertainty, misery, and confusion. There is to be found through these vast regions no

longer one landed man, who is a resource for voluntary aid, or an object for particular rapine. Some of them were, not long since, great princes; they possessed treasures, they levied armies. There was a zemindar in Bengal (I forget his name) that, on the threat of an invasion, supplied the soubah of these provinces with the loan of a million sterling. The family at this day wants credit for a breakfast at the bazaar.

I shall now say a word or two on the company's care of the commercial interest of those kingdoms. As it appears in the reports, that persons in the highest stations in Bengal have adopted, as a fixed plan of policy, the destruction of all intermediate dealers between the company and the manufacturer, native merchants have disappeared of course. The spoil of the revenues is the sole capital which purchases the produce and manufactures, and through three or four foreign companies transmits the official gains of individuals to Europe. No other commerce has an existence in Bengal. The transport of its plunder is the only traffic of the country. I wish to refer you to the appendix to the ninth report for a full account of the manner in which the company have protected the commercial interests of their dominions in the East.

As to the native government and the administration of justice, it subsisted in a poor, tottering manner for some years. In the year 1781 a total revolution took place in that establishment. In one of the usual freaks of legislation of the council of Bengal, the whole criminal jurisdiction of these courts, called the Phoujdary Judicature, exercised till then by the principal Mussulmen, was in one day, without notice, without consultation with the magistrates or the people there, and without communication with the directors or ministers here, totally subverted. A new institution took place, by which this jurisdiction was divided between certain English servants of the company and the Gentoo zemindars of the country, the latter of whom never petitioned for it, nor, for aught that appears, ever desired this boon. But its natural use was made of it; it was made a pretence for new extortions of money.

The natives had, however, one consolation in the ruin of their judicature; they soon saw that it fared no better with the English government itself. That too, after destroying every other, came to its period. This revolution may well be rated for a most daring act, even among the extraordinary things that have been doing in Bengal since our unhappy acquisition of the means of so much mischief.

An establishment of English government for civil justice, and for the collection of revenue, was planned and executed by the president and council of Bengal, subject to the pleasure of the directors, in the year 1772. According to this plan, the country was divided into six districts, or provinces. In each of these was established a provincial council, which administered the revenue; and of that council one member by monthly rotation, presided in the courts of civil resort; with an appeal to the council of the province, and thence to Calcutta. In this system (whether, in other respects, good or evil) there were some capital advantages. There was in the very number of persons in each provincial council, authority, communication, mutual check, and control. They were obliged, on their minutes of consultation, to enter their reasons and dissents; so that a man of diligence, of research, and tolerable sagacity, sitting in London, might, from these materials, be enabled to form some judgment of the spirit of what was going on on the furthest banks of the Ganges and Burrampooter.

The court of directors so far ratified this establishment (which was consonant enough to their general plan of government) that they gave precise orders, that no alteration should be made in it without their consent. So far from being apprized of any design against this constitution, they had reason to conceive that on trial it had been more and more approved by their council-general, at least by the governor-general, who had planned it. At the time of the revolution, the council-general was nominally in two persons, virtually in one. At that time measures of an arduous and critical nature ought to have been forborne, even if, to the

fullest council, this specific measure had not been prohibited by the superior authority. It was in this very situation, that one man had the hardiness to conceive, and the temerity to execute, a total revolution in the form and the persons composing the government of a great kingdom. Without any previous step, at one stroke, the whole constitution of Bengal, civil and criminal, was swept away. The counsellors were recalled from their provinces; upwards of fifty of the principal officers of government were turned out of employ, and rendered dependent on Mr. Hastings for their immediate subsistence, and for all hope of future provision. The chief of each council, and one European collector of revenue, were left in each province.

But here, sir, you may imagine a new government, of some permanent description, was established in the place of that which had been thus suddenly overturned. No such thing. Lest these chiefs, without councils, should be conceived to form the ground plan of some future government, it was publicly declared, that their continuance was only temporary and permissive. The whole subordinate British administration of revenue was then vested in a committee in Calcutta, all creatures of the governor-general; and the provincial management, under the permissive chief, was delivered over to native officers.

But, that the revolution, and the purposes of the revolution might be complete, to this committee were delegated, not only the function of all the inferior, but, what will surprise the House, those of supreme administration of revenue also. Hitherto the governor-general and council had, in their revenue department, administered the finances of those kingdoms. By the new scheme they are delegated to this new committee, who are only to report their proceedings for approbation.

The key to the whole transaction is given in one of these instructions to the committee, 'that it is not necessary that they should enter dissents.' By this means the ancient plan of the company's administration was destroyed; but the plan of concealment was per-

fected. To that moment the accounts of the revenues were tolerably clear; or at least means were furnished for inquiries, by which they might be rendered satisfactory. In the obscure and silent gulf of this committee every thing is now buried. The thickest shades of night surround all their transactions. No effectual means of detecting fraud, mismanagement, or misrepresentation, exist. The directors, who have dared to talk with such confidence on their revenues, know nothing about them. What used to fill volumes is now comprised under a few dry heads on a sheet of paper. The natives, a people habitually made to concealment, are the chief managers of the revenue throughout the provinces. I mean by natives, such wretches as your rulers select out of them as most fitted for their purposes. As a proper key-stone to bind the arch, a native, one Gunga Govind Sing, a man turned out of his employment by Sir John Clavering, for malversation in office, is made the corresponding secretary, and, indeed, the great moving principal of their new board.

As the whole revenue and civil administration was thus subverted, and a clandestine government substituted in the place of it, the judicial institution underwent a like revolution. In 1772 there had been six courts formed out of the six provincial councils. Eighteen new ones are appointed in their place, with each a judge, taken from the *junior* servants of the company. To maintain these eighteen courts, a tax is levied on the sums in litigation, of 2½ per cent. on the great, and of 5 per cent. on the less. This amount is all drawn from the provinces to Calcutta. The chief justice (the same who stays in defiance of a vote of this House, and of his majesty's recall) is appointed at once the treasurer and disposer of these taxes, levied without any sort of authority, from the company, from the crown, or from parliament.

In effect, sir, every legal, regular authority in matters of revenue, of political administration, of criminal law, of civil law, in many of the most essential parts of military discipline, is laid level with the ground; and

an oppressive, irregular, capricious, unsteady, rapacious, and peculating despotism, with a direct disavowal of obedience to any authority at home, and without any fixed maxim, principle, or rule of proceeding, to guide them in India, is at present the state of your charter-government over great kingdoms.

As the company has made this use of their trust, I should ill discharge mine, if I refuse to give my most cheerful vote for the redress of these abuses, by putting the affairs of so large and valuable a part of the interest of this nation, and of mankind, into some steady hands, possessing the confidence, and assured of the support of this House, until they can be restored to regularity, order, and consistency.

I have touched the heads of some of the grievances of the people, and the abuses of government. But I hope and trust, you will give me credit, when I faithfully assure you, that I have not mentioned one-fourth part of what has come to my knowledge in your committee; and further, I have full reason to believe, that not one-fourth part of the abuses are come to my knowledge, by that or by any other means. Pray consider what I have said only as an index to direct you in your inquiries.

If this then, sir, has been the use made of the trust of political powers internal and external, given by you in the charter, the next thing to be seen is the conduct of the company with regard to the commercial trust. And here I will make a fair offer:—If it can be proved that they have acted wisely, prudently, and frugally, as merchants, I shall pass by the whole mass of their enormities as statesmen. That they have not done this their present condition is proof sufficient. Their distresses are said to be owing to their wars. This is not wholly true. But if it were, is not that readiness to engage in wars, which distinguishes them, and for which the committee of secrecy has so branded their politics, founded on the falsest principles of mercantile speculation?

The principle of buying cheap and selling dear is the

first, the great foundation of mercantile dealing. Have they ever attended to this principle? Nay, for years have they not actually authorized in their servants a total indifference as to the prices they were to pay?

A great deal of strictness in driving bargains for whatever we contract is another of the principles of mercantile policy. Try the company by that test! Look at the contracts that are made for them. Is the company so much as a good commissary to their own armies? I engage to select for you, out of the innumerable mass of their dealings, all conducted very nearly alike, one contract only, the excessive profits on which during a short term would pay the whole of their year's dividend. I shall undertake to show, that upon two others, the inordinate profits given, with the losses incurred in order to secure those profits, would pay a year's dividend more.

It is a third property of trading men to see that their clerks do not divert the dealings of the master to their own benefit. It was the other day only, when their governor and council taxed the company's investment with the sum of fifty thousand pounds, as an inducement to persuade only seven members of their board of trade to give their *honour* that they would abstain from such profits upon that investment, as they must have violated their *oaths* if they had made at all.

It is a fourth quality of a merchant to be exact in his accounts. What will be thought when you have fully before you the mode of accounting made use of in the treasury of Bengal?—I hope you will have it soon. With regard to one of their agencies, when it came to the material part, the prime cost of the goods on which a commission of fifteen per cent. was allowed, to the astonishment of the factory to whom the commodities were sent, the accountant-general reports that he did not think himself authorized to call for *vouchers* relative to this and other particulars,—because the agent was upon his *honour* with regard to them. A new principle of account upon honour seems to be regularly established in their dealings and their treasury, which in reality

amounts to an entire annihilation of the principle of all accounts.

It is a fifth property of a merchant, who does not meditate a fraudulent bankruptcy, to calculate his probable profits upon the money he takes up to vest in business. Did the company, when they bought goods on bonds bearing eight per cent. interest, at ten and even twenty per cent. discount, even ask themselves a question concerning the possibility of advantage from dealing on these terms ?

The last quality of a merchant I shall advert to is the taking care to be properly prepared, in cash or goods, in the ordinary course of sale, for the bills which are drawn on them. Now I ask, whether they have ever calculated the clear produce of any given sales, to make them tally with the four millions of bills, which are come and coming upon them, so as at the proper periods to enable the one to liquidate the other ? No, they have not. They are now obliged to borrow money of their own servants to purchase their investment. The servants stipulate five per cent. on the capital they advance, if their bills should not be paid at the time when they become due ; and the value of the rupee on which they charge this interest is taken at two shillings and a penny. Has the company ever troubled themselves to inquire whether their sales can bear the payment of that interest, and at that rate of exchange ? Have they once considered the dilemma in which they are placed—the ruin of their credit in the East Indies, if they refuse the bills —the ruin of their credit and existence in England, if they accept them ? Indeed no trace of equitable government is found in their politics ; not one trace of commercial principle in their mercantile dealing ; and hence is the deepest and maturest wisdom of parliament demanded, and the best resources of this kingdom must be strained, to restore them, that is to restore the countries destroyed by the misconduct of the company, and to restore the company itself, ruined by the consequences of their plans for destroying what they were bound to preserve.

I required, if you remember, at my outset, a proof that these abuses were habitual. But surely this is not necessary for me to consider as a separate head; because I trust I have made it evident beyond a doubt, in considering the abuses themselves, that they are regular, permanent, and systematical.

I am now come to my last condition, without which, for one, I will never readily lend my hand to the destruction of any established government; which is: That, in its present state, the government of the East India Company is absolutely incorrigible.

Of this great truth I think there can be little doubt, after all that has appeared in this House. It is so very clear, that I must consider the leaving any power in their hands, and the determined resolution to continue and countenance every mode and every degree of peculation, oppression, and tyranny, to be one and the same thing. I look upon that body incorrigible, from the fullest consideration both of their uniform conduct, and their present real and virtual constitution.

If they had not constantly been apprized of all the enormities committed in India under their authority; if this state of things had been as much a discovery to them as it was to many of us; we might flatter ourselves that the detection of the abuses would lead to their reformation. I will go further: If the court of directors had not uniformly condemned every act which this House or any of its committees had condemned; if the language in which they expressed their disapprobation against enormities and their authors had not been much more vehement and indignant than any ever used in this House, I should entertain some hopes. If they had not on the other hand, as uniformly commended all their servants who had done their duty and obeyed their orders, as they had heavily censured those who rebelled; I might say, These people have been in an error, and when they are sensible of it they will mend. But when I reflect on the uniformity of their support to the objects of their uniform censure, and the state of insignificance and disgrace to which all of those have

been reduced whom they approved, and that even utter ruin and premature death have been among the fruits of their favour; I must be convinced, that in this case, as in all others, hypocrisy is the only vice that never can be cured.

Attend, I pray you, to the situation and prosperity of Benfield, Hastings, and others of that sort. The last of these has been treated by the company with an asperity of reprehension that has no parallel. They lament 'that the power of disposing of their property for perpetuity should fall into such hands.' Yet for fourteen years, with little interruption, he has governed all their affairs, of every description, with an absolute sway. He has had himself the means of heaping up immense wealth; and, during that whole period, the fortunes of hundreds have depended on his smiles and frowns. He himself tells you he is incumbered with two hundred and fifty young gentlemen, some of them of the best families in England, all of whom aim at returning with vast fortunes to Europe in the prime of life. He has then two hundred and fifty of your children as his hostages for your good behaviour; and loaded for years, as he has been, with the execrations of the natives, with the censures of the court of directors, and struck and blasted with the resolutions of this House, he still maintains the most despotic power ever known in India. He domineers with an overbearing sway in the assemblies of his pretended masters; and it is thought in a degree rash to venture to name his offences in this House, even as grounds of a legislative remedy.

On the other hand, consider the fate of those who have met with the applauses of the directors. Colonel Monson, one of the best of men, had his days shortened by the applauses, destitute of the support, of the company. General Clavering, whose panegyric was made in every despatch from England, whose hearse was bedewed with tears, and hung round with the eulogies of the court of directors, burst an honest and indignant heart at the treachery of those who had ruined him by their praises. Uncommon patience and

temper supported Mr. Francis a while longer under the baneful influence of the commendation of the court of directors. His health however gave way at length; and in utter despair he returned to Europe. At his return the doors of the India House were shut to this man, who had been the object of their constant admiration. He has indeed escaped with life, but he has forfeited all expectation of credit, consequence, party, and following. He may well say, *Me nemo ministro fur erit atque ideo nulli comes exeo.* This man, whose deep reach of thought, whose large, legislative conceptions, and whose grand plans of policy make the most shining part of our reports, from whence we have all learned our lessons, if we have learned any good ones; this man, from whose materials those gentlemen who have least acknowledged it have yet spoken as from a brief; this man, driven from his employment, discountenanced by the directors, has had no other reward, and no other distinction, but that inward 'sunshine of the soul,' which a good conscience can always bestow upon itself. He has not yet had so much as a good word, but from a person too insignificant to make any other return, for the means with which he has been furnished for performing his share of a duty, which is equally urgent on us all.

Add to this, that from the highest in place to the lowest, every British subject, who, in obedience to the company's orders, has been active in the discovery of peculations, has been ruined. They have been driven from India. When they made their appeal at home, they were not heard; when they attempted to return, they were stopped. No artifice of fraud, no violence of power, has been omitted to destroy them in character as well as in fortune.

Worse, far worse, has been the fate of the poor creatures, the natives of India, whom the hypocrisy of the company has betrayed into complaint of oppression, and discovery of peculation. The first women in Bengal, the ranny of Rajeshahi, the ranny of Burdwan, the ranny of Amboa, by their weak and thoughtless trust

in the company's honour and protection, are utterly ruined: the first of these women, a person of princely rank, and once of correspondent fortune, who paid above two hundred thousand a year quit-rent to the state, is, according to very credible information, so completely beggared as to stand in need of the relief of alms. Mahomed Reza Khân, the second Mussulman in Bengal, for having been distinguished by the ill-omened honour of the countenance and protection of the court of directors, was, without the pretence of any inquiry whatsoever into his conduct, stripped of all his employments and, reduced to the lowest condition. His ancient rival for power, the rajah Nundcomar, was, by an insult on every thing which India holds respectable and sacred, hanged in the face of all his nation by the judges who were sent to protect that people; hanged for a pretended crime, upon an *ex post facto* British act of parliament, in the midst of his evidence against Mr. Hastings. The accuser they saw hanged. The culprit, without acquittal or inquiry. triumphs on the ground of that murder; a murder not of Nundcomar only, but of all living testimony, and even of evidence yet unborn. From that time not a complaint has been heard from the natives against their governors. All the grievances of India have found a complete remedy.

Men will not look to acts of parliament, to regulations, to declarations, to votes, and resolutions. No, they are not such fools. They will ask, what is the road to power, credit, wealth, and honours? They will ask, what conduct ends in neglect, disgrace, poverty, exile, prison, and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone of your government. All the rest is miserable grimace.

When I accuse the court of directors of this habitual treachery, in the use of reward and punishment, I do not mean to include all the individuals in that court. There have been, sir, very frequently men of the greatest integrity and virtue amongst them; and the

contrariety in the declarations and conduct of that court has arisen, I take it, from this:—That the honest directors have, by the force of matter of fact on the records, carried the reprobation of the evil measures of the servants in India. This could not be prevented, whilst these records stared them in the face; nor were the delinquents, either here or there, very solicitous about their reputation, as long as they were able to secure their power. The agreement of their partisans to censure them blunted for a while the edge of a severe proceeding. It obtained for them a character of impartiality, which enabled them to recommend, with some sort of grace, what will always carry a plausible appearance, those treacherous expedients, called moderate measures. Whilst these were under discussion, new matter of complaint came over, which seemed to antiquate the first. The same circle was here trod round once more; and thus through years they proceeded in a compromise of censure for punishment; until, by shame and despair, one after another, almost every man, who preferred his duty to the company to the interest of their servants, has been driven from that court.

This, sir, has been their conduct; and it has been the result of the alteration which was insensibly made in their constitution. The change was made insensibly; but it is now strong and adult, and as public and declared, as it is fixed beyond all power of reformation. So that there is none who hears me, that is not as certain as I am, that the company, in the sense in which it was formerly understood, has no existence. The question is not, what injury you may do to the proprietors of India stock; for there are no such men to be injured. If the active, ruling part of the company, who form the general court, who fill the offices, and direct the measures (the rest tell for nothing), were persons who held their stock as a means of their subsistence, who in the part they took were only concerned in the government of India, for the rise or fall of their dividend, it would be indeed a defective plan of policy. The

interest of the people who are governed by them would not be their primary object; perhaps a very small part of their consideration at all. But then they might well be depended on, and perhaps more than persons in other respects preferable, for preventing the peculation of their servants to their own prejudice. Such a body would not easily have left their trade as a spoil to the avarice of those who received their wages. But now things are totally reversed. The stock is of no value, whether it be the qualification of a director or proprietor; and it is impossible that it should. A director's qualification may be worth about two thousand five hundred pounds—and the interest, at eight per cent. is about one hundred and sixty pounds a year. Of what valuo is that, whether it rise to ten, or fall to six, or to nothing, to him whose son, before he is in Bengal two months, and before he descends the steps of the council chamber, sells the grant of a single contract for forty thousand pounds? Accordingly the stock is bought up in qualifications. The vote is not to protect the stock, but the stock is bought to acquire the vote; and the end of the vote is to cover and support, against justice, some man of power, who has made an obnoxious fortune in India; or to maintain in power those who are actually employing it in the acquisition of such a fortune; and to avail themselves in return of his patronage, that he may shower the spoils of the East, 'barbaric pearl and gold,' on them, their families, and dependents. So that all the relations of the company are not only changed, but inverted. The servants in India arc not appointed by the directors, but the directors are chosen by them. The trade is carried on with their capitals. To them the revenues of the country are mortgaged. The seat of the supreme power is in Calcutta. The housc in Leadenhall-street is nothing more than a change for their agents, factors, and deputies to meet in, to tako care of their affairs, and support their interests; and this so avowedly, that we see thc known agents of the delinquent servants marshalling and disciplining their forces, and thc prime spokesmen in all their assemblies.

Every thing has followed in this order, and according to the natural train of events. I will close what I have to say on the incorrigible condition of the company, by stating to you a few facts that will leave no doubt of the obstinacy of that corporation, and of their strength too, in resisting the reformation of their servants. By these facts you will be enabled to discover the sole grounds upon which they are tenacious of their charter. It is now more than two years that, upon account of the gross abuses and ruinous situation of the company's affairs, (which occasioned the cry of the whole world long before it was taken up here) we instituted two committees to inquire into the mismanagements by which the company's affairs had been brought to the brink of ruin. These inquiries had been pursued with unremitting diligence, and a great body of facts was collected and printed for general information. In the result of those inquiries, although the committees consisted of very different descriptions, they were unanimous. They joined in censuring the conduct of the Indian administration, and enforcing the responsibility upon two men, whom this House, in consequence of these reports, declared it to be the duty of the directors to remove from their stations, and recall to Great Britain, '*because they had acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company.*'

Here was no attempt on the charter. Here was no question of their privileges. To vindicate their own honour, to support their own interests, to enforce obedience to their own orders,—these were the sole object of the monitory resolution of this House. But as soon as the general court could assemble, they assembled to demonstrate who they really were. Regardless of the proceedings of this House, they ordered the directors not to carry into effect any resolution they might come to for the removal of Mr. Hastings and Mr. Hornby. The directors, still retaining some shadow of respect to this House, instituted an inquiry

themselves, which continued from June to October, and, after an attentive perusal and full consideration of papers, resolved to take steps for removing the persons who had been the objects of our resolution, but not without a violent struggle against evidence. Seven directors went so far as to enter a protest against the vote of their court. Upon this the general court takes the alarm: it re-assembles; it orders the directors to rescind their resolution, that is, not to recall Mr. Hastings and Mr. Hornby, and to despise the resolution of the House of Commons. Without so much as the pretence of looking into a single paper, without the formality of instituting any committee of inquiry, they superseded all the labours of their own directors and of this House.

It will naturally occur to ask, how it was possible that they should not attempt some sort of examination into facts, as a colour for their resistance to a public authority, proceeding so very deliberately, and exerted, apparently at least, in favour of their own? The answer, and the only answer which can be given, is, that they were afraid that their true relation should be mistaken. They were afraid that their patrons and masters in India should attribute their support of them to an opinion of their cause, and not to an attachment to their power. They were afraid it should be suspected that they did not mean blindly to support them in the use they made of that power. They determined to show that they at least were set against reformation; that they were firmly resolved to bring the territories, the trade, and the stock of the company, to ruin, rather than be wanting in fidelity to their nominal servants and real masters, in the ways they took to their private fortunes.

Even since the beginning of this session, the same act of audacity was repeated, with the same circumstances of contempt of all the decorum of inquiry on their part, and of all the proceedings of this House. They again made it a request to their favourite, and your culprit, to keep his post; and thanked and applauded him, without calling for a paper which could

afford light into the merit or demerit of the transaction, and without giving themselves a moment's time to consider, or even to understand, the articles of the Maratta peace. The fact is that for a long time there was a struggle, a faint one indeed, between the company and their servants. But it is a struggle no longer. For some time the superiority has been decided. The interests abroad are become the settled preponderating weight both in the court of proprietors and the court of directors. Even the attempt you have made, to inquire into their practices and to reform abuses, has raised and piqued them to a far more regular and steady support. The company has made a common cause, and identified themselves, with the destroyers of India. They have taken on themselves all that mass of enormity; they are supporting what you have reprobated; those you condemn they applaud; those you order home to answer for their conduct, they request to stay, and thereby encourage to proceed in their practices. Thus the servants of the East India Company triumph, and the representatives of the people of Great Britain are defeated.

I therefore conclude, what you all conclude, that this body, being totally perverted from the purposes of its institution, is utterly incorrigible; and because they are incorrigible, both in conduct and constitution, power ought to be taken out of their hands; just on the same principles on which have been made all the just changes and revolutions of government that have taken place since the beginning of the world.

I will now say a few words to the general principle of the plan which is set up against that of my right honourable friend. It is to re-commit the government of India to the court of directors. Those, who would commit the reformation of India to the destroyers of it, are the enemies to that reformation. They would make a distinction between directors and proprietors, which, in the present state of things, does not, cannot exist. But a right honourable gentleman says, he would keep the present government of India in the court of directors;

and would, to curb them, provide salutary regulations; —wonderful! That is, he would appoint the old offenders to correct the old offences; and he would render the vicious and the foolish wise and virtuous by salutary regulations. He would appoint the wolf as guardian of the sheep; but he has invented a curious muzzle, by which this protecting wolf shall not be able to open his jaws above an inch or two at the utmost. Thus his work is finished. But I tell the right honourable gentleman, that controlled depravity is not innocence; and that it is not the labour of delinquency in chains that will correct abuses. Will these gentlemen of the direction animadvert on the partners of their own guilt? Never did a serious plan of amending any old tyrannical establishment propose the authors and abettors of the abuses as the reformers of them. If the undone people of India see their old oppressors in confirmed power, even by the reformation, they will expect nothing but what they will certainly feel, a continuance, or rather an aggravation, of all their former sufferings. They look to the seat of power, and to the persons who fill it; and they despise those gentlemen's regulations as much as the gentlemen do who talk of them.

But there is a cure for every thing. Take away, say they, the court of proprietors, and the court of directors will do their duty. Yes; as they have done it hitherto. That the evils in India have solely arisen from the court of proprietors is grossly false. In many of them the directors were heartily concurring; in most of them they were encouraging, and sometimes commanding; in all they were conniving.

But who are to choose this well-regulated and reforming court of directors?—Why, the very proprietors who are excluded from all management for the abuse of their power. They will choose, undoubtedly, out of themselves, men like themselves; and those who are most forward in resisting your authority, those who are most engaged in faction or interest with the delinquents abroad, will be the objects of their selection. But gentlemen say, that when this choice

is made, the proprietors are not to interfere in the measures of the directors, whilst those directors are busy in the control of their common patrons and masters in India. No, indeed, I believe they will not desire to interfere. They will choose those whom they know may be trusted, safely trusted, to act in strict conformity to their common principles, manners, measures, interests, and connexions. They will want neither monitor nor control. It is not easy to choose men to act in conformity to a public interest against their private: but a sure dependence may be had on those who are chosen to forward their private interest at the expense of the public. But if the directors should slip, and deviate into rectitude, the punishment is in the hands of the general court, and it will surely be remembered to them at their next election.

If the government of India wants no reformation; but gentlemen are amusing themselves with a theory, conceiving a more democratic or aristocratic mode of government for these dependencies, or if they are in a dispute only about patronage; the dispute is with me of so little concern, that I should not take the pains to utter an affirmative or negative to any proposition in it. If it be only for a theoretical amusement that they are to propose a bill; the thing is at best frivolous and unnecessary. But if the company's government is not only full of abuse, but is one of the most corrupt and destructive tyrannies that probably ever existed in the world (as I am sure it is), what a cruel mockery would it be in me, and in those who think like me, to propose this kind of remedy for this kind of evil!

I now come to the third objection, that this bill will increase the influence of the crown. An honourable gentleman has demanded of me, whether I was in earnest when I proposed to this House a plan for the reduction of that influence. Indeed, sir, I was much, very much, in earnest. My heart was deeply concerned in it; and I hope the public has not lost the effect of it. How far my judgment was right, for what concerned personal favour and consequence to myself, I shall not presume

to determine; nor is its effect upon *me* of any moment. But as to this bill, whether it increases the influence of the crown, or not, is a question I should be ashamed to ask. If I am not able to correct a system of oppression and tyranny, that goes to the utter ruin of thirty millions of my fellow-creatures and fellow-subjects, but by some increase to the influence of the crown, I am ready here to declare that I, who have been active to reduce it, shall be at least as active and strenuous to restore it again. I am no lover of names; I contend for the substance of good and protecting government, let it come from what quarter it will.

But I am not obliged to have recourse to this expedient. Much, very much the contrary. I am sure that the influence of the crown will by no means aid a reformation of this kind; which can neither be originated nor supported, but by the uncorrupt public virtue of the representatives of the people of England. Let it once get into the ordinary course of administration, and to me all hopes of reformation are gone. I am far from knowing or believing, that this bill will increase the influence of the crown. We all know, that the crown has ever had some influence in the court of directors; and that it has been extremely increased by the acts of 1773 and 1780. The gentlemen who, as a part of their reformation, propose 'a more active control on the part of the crown,' which is to put the directors under a secretary of state, especially named for that purpose, must know that their project will increase it further. But that old influence has had, and the new will have, incurable inconveniences, which cannot happen under the parliamentary establishment proposed in this bill. An honourable gentleman[1], not now in his place, but who is well acquainted with the India Company, and by no means a friend to this bill, has told you, that a ministerial influence has always been predominant in that body; and that to make the directors pliant to their purposes, ministers generally caused persons meanly qualified to be chosen directors.

[1] Governor Johnstone.

According to his idea, to secure subserviency, they submitted the company's affairs to the direction of incapacity. This was to ruin the company in order to govern it. This was certainly influence in the very worst form in which it could appear. At best it was clandestine and irresponsible. Whether this was done so much upon system as that gentleman supposes, I greatly doubt. But such in effect the operation of government on that court unquestionably was; and such, under a similar constitution, it will be for ever. Ministers must be wholly removed from the management of the affairs of India, or they will have an influence in its patronage. The thing is inevitable. Their scheme of a new secretary of state, with a more vigorous 'control,' is not much better than a repetition of the measure which we know by experience will not do. Since the year 1773 and the year 1780, the company has been under the control of the secretary of state's office, and we had then three secretaries of state. If more than this is done, then they annihilate the direction which they pretend to support; and they augment the influence of the crown, of whose growth they affect so great an horror. But in truth this scheme of reconciling a direction really and truly deliberative with an office really and substantially controlling, is a sort of machinery that can be kept in order but a very short time. Either the directors will dwindle into clerks, or the secretary of state, as hitherto has been the course, will leave every thing to them, often through design, often through neglect. If both should affect activity, collision, procrastination, delay, and, in the end, utter confusion must ensue.

But, sir, there is one kind of influence far greater than that of the nomination to office. This gentlemen in opposition have totally overlooked, although it now exists in its full vigour; and it will do so upon their scheme, in at least as much force as it does now. That influence this bill cuts up by the roots: I mean the *influence of protection.* I shall explain myself:—The office given to a young man going to India is of trifling

consequence. But he that goes out an insignificant boy in a few years returns a great nabob. Mr. Hastings says he has two hundred and fifty of that kind of raw materials, who expect to be speedily manufactured into the merchantable quality I mention. One of these gentlemen, suppose, returns hither, laden with odium and with riches. When he comes to England, he comes as to a prison, or as to a sanctuary; and either is ready for him, according to his demeanour. What is the influence in the grant of any place in India, to that which is acquired by the protection or compromise with such guilt, and with the command of such riches, under the dominion of the hopes and fears which power is able to hold out to every man in that condition? That man's whole fortune, half a million perhaps, becomes an instrument of influence, without a shilling of charge to the civil list; and the influx of fortunes which stand in need of this protection is continual. It works both ways; it influences the delinquent, and it may corrupt the minister. Compare the influence acquired by appointing for instance even a governor-general, and that obtained by protecting him. I shall push this no further. But I wish gentlemen to roll it a little in their own minds.

The bill before you cuts off this source of influence. Its design and main scope is to regulate the administration of India upon the principles of a court of judicature; and to exclude, as far as human prudence can exclude, all possibility of a corrupt partiality, in appointing to office, or supporting in office, or covering from inquiry and punishment, any person who has abused or shall abuse his authority. At the board, as appointed and regulated by this bill, reward and punishment cannot be shifted and reversed by a whisper. That commission becomes fatal to cabal, to intrigue, and to secret representation, those instruments of the ruin of India. He that cuts off the means of premature fortune, and the power of protecting it when acquired, strikes a deadly blow at the great fund, the bank, the capital stock of Indian influence, which cannot be vested any where, or

in any hands, without most dangerous consequences to the public.

The third and contradictory objection is, that this bill does not increase the influence of the crown. On the contrary, that the just power of the crown will be lessened, and transferred to the use of a party, by giving the patronage of India to a commission nominated by parliament, and independent of the crown. The contradiction is glaring, and it has been too well exposed to make it necessary for me to insist upon it. But passing the contradiction and taking it without any relation, of all objections that is the most extraordinary. Do not gentlemen know, that the crown has not at present the grant of a single office under the company, civil or military, at home or abroad? So far as the crown is concerned, it is certainly rather a gainer; for the vacant offices in the new commission are to be filled up by the king.

It is argued as a part of the bill, derogatory to the prerogatives of the crown, that the commissioners named in the bill are to continue for a short term of years, too short in my opinion; and because, during that time, they are not at the mercy of every predominant faction of the court. Does not this objection lie against the present directors; none of whom are named by the crown, and a proportion of whom hold for this very term of four years? Did it not lie against the governor-general and council named in the act of 1773—who were invested by name, as the present commissioners are to be appointed in the body of the act of parliament, who were to hold their places for a term of years, and were not removable at the discretion of the crown? Did it not lie against the re-appointment, in the year 1780, upon the very same terms? Yet at none of these times, whatever other objections the scheme might be liable to, was it supposed to be a derogation to the just prerogative of the crown, that a commission created by act of parliament should have its members named by the authority which called it into existence? This is not the disposal by parliament

of any office derived from the authority of the crown, or now disposable by that authority. It is so far from being any thing new, violent, or alarming, that I do not recollect, in any parliamentary commission, down to the commissioners of the land-tax, that it has ever been otherwise.

The objection of the tenure for four years is an objection to all places that are not held during pleasure; but in that objection I pronounce the gentlemen, from my knowledge of their complexion and of their principles, to be perfectly in earnest. The party (say these gentlemen) of the minister who proposes this scheme will be rendered powerful by it; for he will name his party friends to the commission. This objection against party is a party objection; and in this too these gentlemen are perfectly serious. They see that if, by any intrigue, they should succeed to office, they will lose the *clandestine* patronage, the true instrument of clandestine influence, enjoyed in the name of subservient directors, and of wealthy, trembling, Indian delinquents. But as often as they are beaten off this ground, they return to it again. The minister will name his friends, and persons of his own party.—Whom should he name? Should he name his adversaries? Should he name those whom he cannot trust? Should he name those to execute his plans, who are the declared enemies to the principles of his reform? His character is here at stake. If he proposes for his own ends (but he never will propose) such names as, from their want of rank, fortune, character, ability, or knowledge, are likely to betray or to fall short of their trust, he is in an independent House of Commons; in a House of Commons which has, by its own virtue, destroyed the instruments of parliamentary subservience. This House of Commons would not endure the sound of such names. He would perish by the means which he is supposed to pursue for the security of his power. The first pledge he must give of his sincerity in this great reform will be in the confidence which ought to be reposed in those names.

For my part, sir, in this business I put all indirect

considerations wholly out of my mind. My sole question, on each clause of the bill, amounts to this:—Is the measure proposed required by the necessities of India? I cannot consent totally to lose sight of the real wants of the people who are the objects of it, and to hunt after every matter of party squabble that may be started on the several provisions. On the question of the duration of the commission I am clear and decided. Can I, can any one who has taken the smallest trouble to be informed concerning the affairs of India, amuse himself with so strange an imagination, as that the habitual despotism and oppression, that the monopolies, the peculations, the universal destruction of all the legal authority of this kingdom, which have been for twenty years maturing to their present enormity, combined with the distance of the scene, the boldness and artifice of delinquents, their combination, their excessive wealth, and the faction they have made in England, can be fully corrected in a shorter term than four years? None has hazarded such an assertion—none, who has a regard for his reputation, will hazard it.

Sir, the gentlemen, whoever they are, who shall be appointed to this commission, have an undertaking of magnitude on their hands, and their stability must not only be, but it must be thought, real;—and who is it will believe, that any thing short of an establishment made, supported, and fixed in its duration, with all the authority of parliament, can be thought secure of a reasonable stability? The plan of my honourable friend is the reverse of that of reforming by the authors of the abuse. The best we could expect from them is, that they should not continue their ancient, pernicious activity. To those we could think of nothing but applying *control*; as we are sure that even a regard to their reputation (if any such thing exists in them) would oblige them to cover, to conceal, to suppress, and consequently to prevent, all cure of the grievances of India. For what can be discovered which is not to their disgrace? Every attempt to correct an abuse would be a satire on their former administration. Every man they

should pretend to call to an account would be found their instrument, or their accomplice. They can never see a beneficial regulation, but with a view to defeat it. The shorter the tenure of such persons the better would be the chance of some amendment.

But the system of the bill is different. It calls in persons in no wise concerned with any act censured by parliament; persons generated with, and for, the reform, of which they are themselves the most essential part. To these the chief regulations in the bill are helps, not fetters; they are authorities to support, not regulations to restrain them. From these we look for much more than innocence. From these we expect zeal, firmness, and unremitted activity. Their duty, their character, binds them to proceedings of vigour; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust; a tenure without which none will undertake plans that require a series and system of acts. When they know that they cannot be whispered out of their duty, that their public conduct cannot be censured without a public discussion; that the schemes which they have begun will not be committed to those who will have an interest and credit in defeating and disgracing them, then we may entertain hopes. The tenure is for four years, or during their good behaviour. That good behaviour is as long as they are true to the principles of the bill; and the judgment is in either house of parliament. This is the tenure of your judges; and the valuable principle of the bill is to make a judicial administration for India. It is to give confidence in the execution of a duty, which requires as much perseverance and fortitude, as can fall to the lot of any that is born of woman.

As to the gain by party, from the right honourable gentleman's bill, let it be shown that this supposed party advantage is pernicious to its object, and the objection is of weight: but until this is done, and this has not been attempted, I shall consider the sole objection, from its tendency to promote the interest of a

party, as altogether contemptible. The kingdom is divided into parties, and it ever has been so divided, and it ever will be so divided: and if no system for relieving the subjects of this kingdom from oppression, and snatching its affairs from ruin, can be adopted until it is demonstrated that no party can derive an advantage from it, no good can ever be done in this country. If party is to derive an advantage from the reform of India, (which is more than I know, or believe,) it ought to be that party which alone, in this kingdom, has its reputation, nay its very being, pledged to the protection and preservation of that part of the empire. Great fear is expressed, that the commissioners named in this bill will show some regard to a minister out of place. To men made like the objectors this must appear criminal. Let it however be remembered by others, that if the commissioners should be his friends, they cannot be his slaves. But dependents are not in a condition to adhere to friends, nor to principles, nor to any uniform line of conduct. They may begin censors, and be obliged to end accomplices. They may be even put under the direction of those whom they were appointed to punish.

The fourth and last objection is, that the bill will hurt public credit. I do not know whether this requires an answer. But if it does, look to your foundations. The sinking fund is the pillar of credit in this country; and let it not be forgotten, that the distresses, owing to the mismanagement of the East India Company, have already taken a million from that fund by the non-payment of duties. The bills drawn upon the company, which are about four millions, cannot be accepted without the consent of the treasury. The treasury, acting under a parliamentary trust and authority, pledges the public for these millions. If they pledge the public, the public must have a security in its hands for the management of this interest, or the national credit is gone. For otherwise it is not only the East India Company, which is a great interest, that is undone, but, clinging to the security of all your

funds, it drags down the rest, and the whole fabric perishes in one ruin. If this bill does not provide a direction of integrity and of ability competent to that trust, the objection is fatal. If it does, public credit must depend on the support of the bill.

It has been said, if you violate this charter, what security has the charter of the Bank, in which public credit is so deeply concerned, and even the charter of London, in which the rights of so many subjects are involved? I answer, in the like case they have no security at all—No—no security at all. If the Bank should, by every species of mismanagement, fall into a state similar to that of the East India Company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter should protect the mismanagement from correction, and such public grievances from redress. If the city of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing over millions of men as good as themselves, the charter of the city of London should prove no sanction to such tyranny and such oppression. Charters are kept, when their purposes are maintained: they are violated, when the privilege is supported against its end and its object.

Now, sir, I have finished all I proposed to say, as my reasons for giving my vote to this bill. If I am wrong, it is not for want of pains to know what is right. This pledge, at least, of my rectitude I have given to my country.

And now, having done my duty to the bill, let me say a word to the author. I should leave him to his own noble sentiments, if the unworthy and illiberal language with which he has been treated, beyond all example of parliamentary liberty, did not make a few words necessary; not so much in justice to him, as to my own feelings. I must say, then, that it will be a distinction honourable to the age, that the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that

was ever exercised, has fallen to the lot of abilities and dispositions equal to the task; that it has fallen to one who has the enlargement to comprehend, the spirit to undertake, and the eloquence to support, so great a measure of hazardous benevolence. His spirit is not owing to his ignorance of the state of men and things; he well knows what snares are spread about his path, from personal animosity, from court intrigues, and possibly from popular delusion. But he has put to hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he has never seen. This is the road that all heroes have trod before him. He is traduced and abused for his supposed motives. He will remember, that obloquy is a necessary ingredient in the composition of all true glory: he will remember, that it was not only in the Roman customs, but it is in the nature and constitution of things, that calumny and abuse are essential parts of triumph. These thoughts will support a mind, which only exists for honour, under the burden of temporary reproach. He is doing indeed a great good; such as rarely falls to the lot, and almost as rarely coincides with the desires, of any man. Let him use his time. Let him give the whole length of the reins to his benevolence. He is now on a great eminence, where the eyes of mankind are turned to him. He may live long, he may do much. But here is the summit. He never can exceed what he does this day.

He has faults; but they are faults that, though they may in a small degree tarnish the lustre, and sometimes impede the march of his abilities, have nothing in them to extinguish the fire of so great virtues. In those faults, there is no mixture of deceit, of hypocrisy, of pride, of ferocity, of complexional despotism, or want of feeling for the distresses of mankind. His are faults which might exist in a descendant of Henry the Fourth of France, as they did exist in that father of his country. Henry the Fourth wished that he might live to see a fowl in the pot of every peasant in his kingdom. That sentiment of homely benevolence was worth all the

splendid sayings that are recorded of kings. But he wished perhaps for more than could be obtained, and the goodness of the man exceeded the power of the king. But this gentleman, a subject, may this day say this at least, with truth, that he secures the rice in his pot to every man in India. A poet of antiquity thought it one of the first distinctions to a prince whom he meant to celebrate, that through a long succession of generations he had been the progenitor of an able and virtuous citizen, who by force of the arts of peace had corrected governments of oppression, and suppressed wars of rapine.

Indole proh quanta juvenis, quantumque daturus
Ausoniae populis ventura in saecula civem.
Ille super Gangem, super exauditus et Indos,
Implebit terras voce; et furialia bella
Fulmine compescet linguae.——

This was what was said of the predecessor of the only person to whose eloquence it does not wrong that of the mover of this bill to be compared. But the Ganges and the Indus are the patrimony of the fame of my honourable friend, and not of Cicero. I confess, I anticipate with joy the reward of those, whose whole consequence, power, and authority, exist only for the benefit of mankind; and I carry my mind to all the people, and all the names and descriptions, that, relieved by this bill, will bless the labours of this parliament, and the confidence which the best House of Commons has given to him who the lest deserves it. The little cavils of party will not be heard, where freedom and happiness will be felt. There is not a tongue, a nation, or religion in India, which will not bless the presiding care and manly beneficence of this House, and of him who proposes to you this great work. Your names will never be separated before the throne of the Divine Goodness, in whatever language, or with whatever rites, pardon is asked for sin, and reward for those who imitate the Godhead in his universal bounty to his creatures. These honours you deserve, and they will

surely be paid, when all the jargon of influence, and party, and patronage, are swept into oblivion.

I have spoken what I think, and what I feel, of the mover of this bill. An honourable friend of mine, speaking of his merits, was charged with having made a studied panegyric. I don't know what his was. Mine, I am sure, is a studied panegyric; the fruit of much meditation; the result of the observation of near twenty years. For my own part, I am happy that I have lived to see this day; I feel myself overpaid for the labours of eighteen years, when, at this late period, I am able to take my share, by one humble vote, in destroying a tyranny that exists to the disgrace of this nation, and the destruction of so large a part of the human species.

A

REPRESENTATION TO HIS MAJESTY,

MOVED IN

THE HOUSE OF COMMONS,

BY THE

RIGHT HON. EDMUND BURKE,

AND SECONDED BY

WILLIAM WINDHAM, ESQ.,

ON MONDAY, JUNE 14, 1784, AND NEGATIVED.

WITH

A PREFACE AND NOTES.

PREFACE

The representation now given to the public relates to some of the most essential privileges of the House of Commons. It would appear of little importance, if it were to be judged by its reception in the place where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the *penal* dissolution of a parliament as a very trifling concern. Such a dissolution must operate forcibly as an example; and it much imports the people of this kingdom to consider what lesson that example is to teach.

The late House of Commons was not accused of an interested compliance to the will of a court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit, this vice bears so near a resemblance to virtue, that the flight of a House of Commons above the exact temperate medium of independence ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people; we ought to call for very solid and convincing proofs of the existence, and of the magnitude too of the evils, which are charged to an independent spirit, before we give sanction to any measure, that by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our constitution, which, if not free, is worse than useless.

The Editor does not deny, that by possibility such an abuse may exist: but, *primâ fronte*, there is no reason to presume it. The House of Commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary

on the part of the people, to render it abundantly complaisant to ministers and favourites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and many tempers, and the concurrence of events which do not happen every day, to build up an independent House of Commons. Its demolition was accomplished in a moment; and it was the work of ordinary hands. But to construct, is a matter of skill; to demolish, force and fury are sufficient.

The late House of Commons has been punished for its independence. That example is made. Have we an example on record of a House of Commons punished for its servility? The rewards of a senate so disposed are manifest to the world. Several gentlemen are very desirous of altering the constitution of the House of Commons; but they must alter the frame and constitution of human nature itself before they can so fashion it by any mode of election, that its conduct will not be influenced by reward and punishment; by fame, and by disgrace. If these examples take root in the minds of men, what members hereafter will be bold enough not to be corrupt? Especially as the king's highway of obsequiousness is so very broad and easy. To make a passive member of parliament, no dignity of mind, no principles of honour, no resolution, no ability, no industry, no learning, no experience, are in the least degree necessary. To defend a post of importance against a powerful enemy requires an Elliot; a drunken invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

The gentlemen chosen into this parliament, for the purpose of this surrender, were bred to better things; and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and passive obedience, all their learning and ability are rather a matter of personal ornament to themselves, than of the least use in the performance of their duty.

The present surrender, therefore, of rights and privi-

leges, without examination, and the resolution to support any minister given by the secret advisers of the crown, determines not only on all the power and authority of the House, but it settles the character and description of the men who are to compose it, and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the Editor has republished this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late House of Commons, as an example to be shunned by future representatives of the people.

MOTION

RELATIVE TO THE

SPEECH FROM THE THRONE

Lunæ, 14° *Die Junij*, 1784.

A MOTION was made, That a representation be presented to his majesty, most humbly to offer to his royal consideration, that the address of this house, upon his majesty's speech from the throne, was dictated solely by our conviction of his majesty's own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and veneration to his majesty's royal person and his princely virtues, all discussion whatever, with relation to several of the matters suggested, and several of the expressions employed in that speech.

That it was not fit or becoming, that any decided opinion should be formed by his faithful commons on that speech, without a degree of deliberation adequate to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his majesty, that, in the speech from the throne, his ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcilable to the principles of this government.

Humbly to express to his majesty, that it is the privilege and duty of this House to guard the constitution from all infringement on the part of ministers; and, whenever the occasion requires it, to warn them against any abuse of the authorities committed to them;

but it is very lately [1], that in a manner not more unseemly than irregular and preposterous, ministers have thought proper by admonition from the throne, implying distrust and reproach, to convey the expectations of the people to us, their sole representatives [2]; and have presumed to caution us, the natural guardians of the constitution, against any infringement of it on our parts.

This dangerous innovation we, his faithful commons, think it our duty to mark; and as these admonitions from the throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents; nor do we desire to straiten any of the avenues to the throne, or to either house of parliament. But the ancient order, in which the rights of the people have been exercised, is not a restriction of these rights. It is a method providently framed in favour of those privileges, which it preserves and enforces, by keeping in that course which has been found the most effectual for answering their ends. His majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense: and he may grant such redress as the legal powers of the crown enable the crown to afford. This, and the other house of parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his majesty is to receive from his commons in parliament assembled. It would destroy the whole

[1] See King's Speech, Dec. 5, 1782, and May 19, 1784.

[2] 'I will never submit to the doctrines I have heard this day from the woolsack, that the other House [House of Commons] are the only representatives and guardians of the people's rights; I boldly maintain the contrary—I say this House [House of Lords] *is equally the representatives of the people.*' Lord Shelburne's Speech, April 8, 1778. Vide 'Parliamentary Register,' vol. x. p. 392.

spirit of the constitution, if his commons were to receive that sense from the ministers of the crown, or to admit them to be a proper or a regular channel for conveying it.

That the ministers in the said speech declare, 'His majesty has a just and confident reliance, that we (his faithful commons) are animated with the same sentiments of loyalty and the same attachment to our excellent constitution, which we had the happiness to see so fully manifested in every part of the kingdom.'

To represent that his faithful commons have never failed in loyalty to his majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful commons; as many circumstances lead us to apprehend that therein the ministers have reference to some other measures and principles of loyalty, and to some other ideas of the constitution, than the laws require, or the practice of parliament will admit.

No regular communication of the proofs of loyalty and attachment to the constitution, alluded to in the speech from the throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them; or in what particular acts they were displayed; but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain addresses delivered to his majesty, promising support to his majesty in the exercise of his prerogative, and thanking his majesty for removing certain of his ministers, on account of the votes they have given upon bills depending in parliament,—if this be the example of loyalty alluded to in the speech from the throne, then we must beg leave to express our serious concern for the impression which has been made on any of our fellow-subjects

by misrepresentations, which have seduced them into a seeming approbation of proceedings subversive of their own freedom. We conceive that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of parliament which they were led to censure.

We shall act more advisedly.—The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming parliament [1]. Above all, we shall take care that none of the rights and privileges, always claimed, and since

[1] In that parliament the House of Commons by two several resolutions put an end to the American war. Immediately on the change of ministry, which ensued, in order to secure their own independence, and to prevent the accumulation of new burdens on the people by the growth of a civil list debt, they passed the establishment bill. By that bill thirty-six offices tenable by members of parliament were suppressed; and an order of payment was framed, by which the growth of any fresh debt was rendered impracticable. The debt on the civil list from the beginning of the present reign had amounted to one million three hundred thousand pounds and upwards. Another act was passed for regulating the office of the paymaster-general, and the offices subordinate to it. A million of public money had sometimes been in the hands of the paymasters: this act prevented the possibility of any money whatsoever being accumulated in that office in future. The offices of the exchequer, whose emoluments in time of war were excessive, and grew in exact proportion to the public burdens, were regulated; some of them suppressed, and the rest reduced to fixed salaries. To secure the freedom of election against the crown, a bill was passed to disqualify all officers concerned in the collection of the revenue in

the accession of his majesty's illustrious family constantly exercised by this House (and which we hold and exercise in trust for the Commons of Great Britain, and for their benefit) shall be constructively surrendered, or even weakened and impaired under ambiguous phrases, and implications of censure on the late parliamentary proceedings. If these claims are not well founded, they ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

Of his majesty's own gracious disposition towards the true principles of our free constitution, his faithful commons never did, or could, entertain a doubt: but we humbly beg leave to express to his majesty our uneasiness concerning other new and unusual expressions of his ministers, declaratory of a resolution 'to support in their *just balance*, the rights and privileges of every branch of the legislature.'

It were desirable that all hazardous theories con-

any of its branches from voting in elections; a most important act, not only with regard to its primary object, the freedom of election, but as materially forwarding the due collection of revenue. For the same end (the preserving the freedom of election), the House rescinded the famous judgment relative to the Middlesex election, and expunged it from the journals. On the principle of reformation of their own House, connected with a principle of public economy, an act passed for rendering contractors with government incapable of a seat in parliament. The India Bill (unfortunately lost in the House of Lords) pursued the same idea to its completion; and disabled all servants of the East India Company from a seat in that House for a certain time, and until their conduct was examined into and cleared. The remedy of infinite corruptions and of infinite disorders and oppressions, as well as the security of the most important objects of public economy, perished with that bill and that parliament. That parliament also instituted a committee to inquire into the collection of the revenue in all its branches, which prosecuted its duty with great vigour; and suggested several material improvements.

cerning a balance of rights and privileges (a mode of expression wholly foreign to parliamentary usage) might have been forborne. His majesty's faithful commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors: they are not unacquainted with the rights and privileges of the House of Peers; and they know and respect the lawful prerogatives of the crown: but they do not think it safe to admit any thing concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to discern to what objects ministers would apply their fiction of balance; nor what they would consider as a just one. These unauthorized doctrines have a tendency to stir improper discussions; and to lead to mischievous innovations in the constitution [1].

[1] If these speculations are let loose, the House of Lords may quarrel with their share of the legislature, as being limited with regard to the origination of grants to the crown and the origination of money bills. The advisers of the crown may think proper to bring its negative into ordinary use; and even to dispute, whether a mere negative, compared with the deliberative power, exercised in the other House, be such a share in the legislature, as to produce a due balance in favour of that branch; and thus justify the previous interference of the crown in the manner lately used. The following will serve to show how much foundation there is for great caution concerning these novel speculations. Lord Shelburne, in his celebrated speech, April 8, 1778, expresses himself as follows: Vide 'Parliamentary Register,' vol. x.

'The noble and learned lord on the woolsack, in the debate which opened the business of this day, asserted that your lordships were incompetent to make any alteration in a money bill or a bill of supply. I should be glad to see the matter fully and fairly discussed, and the subject brought forward and argued upon precedent, as well as all its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason, but to hear the sleek, smooth contractors from the other House, come to

That his faithful commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that, on all occasions, resort should be had to the happy practice of parliament, and to those solid maxims of government which have prevailed since the accession of his majesty's illustrious family, as furnishing the only safe principles on which the crown and parliament can proceed.

We think it the more necessary to be cautious on this head, as, in the last parliament, the present ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this House [1].

this bar and declare, that they, and they only, *could frame a money bill;* and they, and they *only*, could dispose of the *property of the peers of Great Britain.* Perhaps some arguments more plausible than those I heard this day from the woolsack, to show that the commons have an uncontrollable, unqualified right to bind your lordships' property, may be urged by them. At present I beg leave to differ from the noble and learned lord; for until the claim, after a solemn discussion of the House, is openly and directly relinquished, I shall continue to be of opinion that your lordships have a right to *alter, amend,* or reject a money bill.'

The Duke of Richmond also, in his letter to the volunteers of Ireland, speaks of several of the powers exercised by the House of Commons, in the light of usurpations: and his grace is of opinion, that, when the people are restored to what he conceives to be their rights, in electing the House of Commons, the other branches of the legislature ought to be restored to theirs. Vide 'Remembrancer,' vol. xvi.

[1] By an act of parliament, the directors of the East India Company are restrained from acceptance of bills drawn from India, beyond a certain amount, without the consent of the commissioners of the treasury. The late House of Commons, finding bills, to an immense amount, drawn upon that body by their servants abroad, and knowing their circumstances to be exceedingly doubtful, came to a resolution providently cautioning the lords of the treasury against the acceptance of these bills, until the House should otherwise direct. The court lords then took occa-

Fearing from these extraordinary admonitions, and from the new doctrines, which seem to have dictated several unusual expressions, that his majesty has been abused by false representations of the late proceedings in parliament, we think it our duty respectfully to inform his majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the peers, by the late House of Commons, in any of their addresses, votes, or resolutions: neither do we know of any proceeding by bill, in which is was proposed to abridge the extent of his royal prerogative; but, if such provision had existed in any bill, we protest, and we declare, against all speeches, acts or addresses, from any persons whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the throne. Necessary reformations may hereafter require, as they have frequently done in former times, limitations and abridgments, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear in the House where they originate, they are liable, by the wisdom of this constitution, to be corrected, and even to be totally set aside, elsewhere. This is the known, the legal, and the safe remedy: but whatever, by the manifestation

sion to declare against the resolution as illegal, by the commons undertaking to direct in the execution of a trust created by act of parliament. The House, justly alarmed at this resolution, which went to the destruction of the whole of its superintending capacity, and particularly in matters relative to its own province of money, directed a committee to search the journals, and they found a regular series of precedents, commencing from the remotest of those records, and carried on to that day, by which it appeared, that the House interfered, by an authoritative advice and admonition, upon every act of executive government without exception; and in many much stronger cases than that which the lords thought proper to quarrel with.

of the royal displeasure, tends to intimidate individual members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the state, and utterly destroys the deliberative capacity of parliament. We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the crown, in any mode whatever, for the votes which they give, or the propositions which they make, in parliament.

We humbly conceive, that besides its share of the legislative power, and its right of impeachment, that, by the law and usage of parliament, this House has other powers and capacities, which it is bound to maintain. This House is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded; and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of his majesty's royal progenitors; not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate [1]. This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his majesty's, and the national service. Whenever we shall see it expedient to offer our advice concerning his majesty's servants, who are those of the public, we confidently hope, that the personal favour of any minister, or any set of ministers, will not be more dear to his majesty, than the credit and character of a House of Commons. It is an experiment full of peril to put the representative wisdom and justice of his majesty's people in the wrong; it is a crooked

[1] 'I observe at the same time, that there is *no charge or complaint* suggested against my present ministers.'—The King's Answer, 25th February, 1784, to the Address of the House of Commons. Vide Resolutions of the House of Commons, printed for Debrett, p. 31.

and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the commons of Great Britain in parliament assembled: it is a contrivance full of danger, for ministers to set up the representative and constituent bodies of the commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the crown. In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and the constituent bodies, as parties contending for credit and influence at the throne, sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the throne, than that by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

It is the undoubted prerogative of the crown to dissolve parliament; but we beg leave to lay before his majesty, that it is, of all the trusts vested in his majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favour of the crown. His commons are not always upon a par with his ministers in an application to popular judgment: it is not in the power of the members of this House to go to their election at the moment the most favourable to them. It is in the power of the crown to choose a time for their dissolution

whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that belongs, and to the consideration that is due, to members of parliament.

With his majesty is the gift of all the rewards, the honours, distinctions, favour, and graces of the state; with his majesty is the mitigation of all the rigours of the law: and we rejoice to see the crown possessed of trusts calculated to obtain good-will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, counsel; we are to inquire and to accuse: and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connexions: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burden that presses on the people. Whilst, ultimately, we are serving them, and in the first instance whilst we are serving his majesty, it will be hard, indeed, if we should see a House of Commons the victim of its zeal and fidelity, sacrificed by his ministers to those very popular discontents, which shall be excited by our dutiful endeavours for the security and greatness of his throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expense of its duties, and suffering the whole energy of the state to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature; or that, willing to provide for the public necessities, and, at the same time, to secure the means of performing that task, they will exchange inde-

pendence for protection, and will court a subservient existence through the favour of those ministers of state, or those secret advisers, who ought themselves to stand in awe of the commons of this realm.

A House of Commons respected by his ministers is essential to his majesty's service: it is fit that they should yield to parliament, and not that parliament should be new-modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration; and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shown to our opinion, when we dissent from the servants of the crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

That authority once lost, the credit of his majesty's crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connexion with Great Britain the preference to an alliance with any other state. A House of Commons, of which ministers were known to stand in awe, where every thing was necessarily discussed, on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no state dependent on the fluctuation of personal favour, and private advice, can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

That there was a great variance between the late House of Commons and certain persons, whom his

majesty has been advised to make and continue as ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those ministers; and they withheld their confidence from them for reasons for which posterity will honour and respect the names of those who composed that House of Commons, distinguished for its independence. They could not confide in persons who have shown a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his majesty's people, and which all nations ought to have, of what are, and what are not, the real acts of his government.

If it should be seen that his ministers may continue in their offices, without any signification to them of his majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his majesty's sacred person, can with impunity abuse that advantage, and employ his majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

This we lay before his majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government: an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed use which has been made of his majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonourable influence on the minds of the members of parliament, that ever was practised in this kingdom. No attention, even to the exterior decorum, in the practice of corruption, and intimidation employed on peers, was observed: several peers were obliged under menaces to retract their declarations, and to recall their proxies.

The commons have the deepest interest in the purity

and integrity of the peerage. The peers dispose of the the property in the kingdom, in the last resort; and they dispose of it on their honour and not on their oaths, as all the members of every other tribunal in the kingdom must do; though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to peers of such a nature as may give room to call in question, much less to attaint, our sole security for all that we possess. This corrupt proceeding appeared to the House of Commons, who are the natural guardians of the purity of parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the House of Peers: and they branded it as such by their resolution.

The House had not sufficient evidence to enable them legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising his majesty against the employment of such ministers; but his majesty was advised to keep those ministers, and to dissolve that parliament. The House, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested his majesty not to dissolve the parliament during the course of their very critical proceedings on that subject. His majesty's gracious condescension to that request was conveyed in the royal faith, pledged to a house of parliament, and solemnly delivered from the throne. It was but a very few days after a committee had been, with the consent and concurrence of the chancellor of the exchequer, appointed for an inquiry into certain accounts delivered to the House by the court of directors, and then actually engaged in that inquiry, that the ministers, regardless of the assurance given from the crown to a House of Commons, did dissolve that parliament. We most humbly submit to his majesty's consideration the consequences of this their breach of public faith.

Whilst the members of the House of Commons, under that security, were engaged in his majesty's and the national business, endeavours were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the members, and the reputation of the House itself, was undermined in every part of the kingdom.

In the speech from the throne relative to India, we are cautioned by the ministers 'not to lose sight of the effect any measure may have on the constitution of our country.' We are apprehensive that a calumnious report, spread abroad of an attack upon his majesty's prerogative by the late House of Commons, may have made an impression on his royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late parliament, by a bill which passed the House of Commons in the late session of that parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the government of this nation, in the East Indies.

That his majesty and his people may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint his majesty, that, far from having made any infringement whatsoever on any part of his royal prerogative, that bill did, for a limited time, give to his majesty certain powers never before possessed by the crown; and for this his present ministers (who rather than fall short in the number of their calumnies employ some that are contradictory) have slandered this House, as aiming at the extension of an unconstitutional influence in his majesty's crown. This pretended attempt to increase the influence of the crown they were weak enough to endeavour to persuade his majesty's people was amongst the causes which excited his majesty's resentment against his late ministers.

Further, to remove the impressions of this calumny concerning an attempt in the House of Commons against his prerogative, it is proper to inform his majesty, that

the territorial possessions in the East Indies never have been declared by any public judgment, act, or instrument, or any resolution of parliament whatsoever, to be the subject matter of his majesty's prerogative; nor have they ever been understood as belonging to his ordinary administration, or to be annexed or united to his crown; but that they are acquisitions of a new and peculiar description [1], unknown to the ancient executive constitution of this country.

From time to time, therefore, parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that his majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the company's affairs, or that, in effect, such authority has ever been exercised. His majesty's patronage was not taken away by that bill; because it is notorious that his majesty never originally had the appointment of a single officer, civil or military, in the company's establishment in India; nor has the least degree of patronage ever been acquired to the crown in any other

[1] The territorial possessions in the East Indies were acquired to the company, in virtue of grants from the Great Mogul, in the nature of offices and jurisdictions, to be held under *him*, and dependent upon *his* crown; with the express condition of being obedient to orders from *his* court, and of paying an annual tribute to *his* treasury. It is true that no obedience is yielded to these orders; and for some time past there has been no payment made of this tribute. But it is under a grant, so conditioned, that they still hold. To subject the King of Great Britain as tributary to a foreign power, by the acts of his subjects—to suppose the grant valid, and yet the condition void—to suppose it good for the king, and insufficient for the company—to suppose it an interest divisible between the parties;—these are some few of the many legal difficulties to be surmounted, before the common law of England can acknowledge the East India Company's Asiatic affairs to be a subject matter of *prerogative*, so as to bring it within the verge of English jurisprudence. It is a very anomalous species of power and property which is held by the East

manner or measure, than as the power was thought expedient to be granted by act of parliament; that is, by the very same authority by which the offices were disposed of and regulated in the bill, which his majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the crown.

Before the year 1773 the whole administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East India Company is not a branch of his majesty's prerogative administration, nor does that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from acts of parliament.

When a claim was asserted to the India territorial possessions in the occupation of the company, these possessions were not claimed as parcel of his majesty's patrimonial estate, or as a fruit of the ancient inheritance of his crown. They were claimed for the public. And when agreements were made with the East India Company concerning any composition for the holding, or any participation of the profits, of those territories, the agreement was made with the public, and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with his majesty, but with parliament: and the bills making and establishing such agreements always originated in this House; which appropriated the money to await the disposition of parliament, without the ceremony of previous consent from the crown even so much as suggested by any of his ministers: which previous consent is an observance of decorum, not in-

India Company. Our English prerogative law does not furnish principles, much less precedents, by which it can be defined or adjusted. Nothing but the eminent dominion of parliament over every British subject in every concern, and in every circumstance in which he is placed, can adjust this new and intricate matter. Parliament may act wisely or unwisely, justly or unjustly; but parliament alone is competent to it.

deed of strict right, but generally paid when a new appropriation takes place in any part of his majesty's prerogative revenues.

In pursuance of a right thus uniformly recognized, and uniformly acted on, when parliament undertook the reformation of the East India Company in 1773, a commission was appointed as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the commissioners were named in parliament, as in the late bill they were named. As they received, so they held their offices, wholly independent of the crown; they held them for a fixed term; they were not removable by an address of either House, or even of both Houses of Parliament, a precaution observed in the late bill relative to the commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late commissioners against all possible abuse of a power which could not fail of being diligently and zealously watched by the ministers of the crown, and the proprietors of the stock, as well as by parliament. Their proceedings were, in that bill, directed to be of such a nature, as easily to subject them to the strictest revision of both, in case of any malversation.

In the year 1780, an act of parliament again made provision for the government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the crown; yet his majesty's ministers have thought fit to represent the late commission as an entire innovation on the constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

If the government of the East Indies, other than by his majesty's prerogative, be, in effect, a fourth order in the commonwealth, this order has long existed; because the East India Company has for many years

enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controlled by act of parliament.

It was the ill condition, and ill administration of the company's affairs, which induced this House (merely as a temporary establishment) to vest the same powers which the company did before possess (and no other), for a limited time, and under very strict directions, in proper hands, until they could be restored, or further provision made concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the parliamentary origin of all the company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself, that it no more creates a new order in the state, by making occasional trustees for the direction of the company, than it originally did in giving a much more permanent trust to the directors, or to the general court of that body. The monopoly of the East India Company was a derogation from the general freedom of trade belonging to his majesty's people. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this House has always used, to frame such bills for the regulation of that commerce, and of the territories held by the East India Company, and every thing relating to them, as to our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on the constitution.

That his majesty's ministers, misled by their ambition,

have endeavoured, if possible, to form a faction in the country against the popular part of the constitution; and have therefore thought proper to add to their slanderous accusation against a House of Parliament, relative to his majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make addresses to them as protectors of their rights, under their several charters, from the designs which they, without any ground, changed the then House of Commons to have formed against *charters in general.* For this purpose they have not scrupled to assert, that the exertion of his majesty's prerogative in the late precipitate charge in his administration, and the dissolution of the late parliament, were measures adopted in order to rescue the people and their rights out of the hands of the House of Commons, their representatives.

We trust that his majesty's subjects are not yet so far deluded as to believe that the charters, or that any other of their local or general privileges, can have a solid security in any place but where that security has always been looked for, and always found, in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked [1]. But the late House of Com-

[1] The attempt upon charters and the privileges of the corporate bodies of the kingdom in the reigns of Charles II and James II was made by the *crown.* It was carried on by the ordinary course of law in courts instituted for the security of the property and franchises of the people. This attempt made by the *crown* was attended with complete success. The corporate rights of the city of London, and of all the companies it contains, were by solemn judgment of law declared forfeited, and all their franchises, privileges, properties and estates, were of course seized into the hands of the *crown.* The injury was from the crown; the redress was by parliament. A bill was brought

mons in passing that bill made no attack upon any powers or privileges, except such as a House of Commons has frequently attacked, and will attack (and they

into the *House of Commons*, by which the judgment against the city of London, and against the companies, was reversed: and this bill passed the House of Lords without any complaint of trespass on their jurisdiction, although the bill was for a reversal of a judgment in law. By this act, which is in the second of William and Mary, chap. 8, the question of forfeiture of that charter is for ever taken out of the power of any court of law. No cognizance can be taken of it except in parliament.

Although the act above mentioned has declared the judgment against the corporation of London to be *illegal*; yet Blackstone makes no scruple of asserting, that 'perhaps in strictness of law the proceedings in most of them [the Quo Warranto causes] were sufficiently regular,' leaving it in doubt, whether this regularity did not apply to the corporation of London, as well as to any of the rest; and he seems to blame the proceeding (as most blamable it was) not so much on account of illegality, as for the crown's having employed a legal proceeding for political purposes. He calls it 'an exertion of *an act of law* for the purposes of the state.'

The same security which was given to the city of London would have been extended to all the corporations, if the House of Commons could have prevailed. But the bill for that purpose passed but by a majority of one in the Lords: and it was entirely lost by a prorogation, which is the act of the crown. Small, indeed, was the security which the corporation of London enjoyed before the act of William and Mary, and which all the other corporations, secured by no statute, enjoy at this hour, if strict law was employed against them. The use of strict law has always been rendered very delicate by the same means, by which the almost unmeasured legal powers residing (and in many instances dangerously residing) in the crown, are kept within due bounds; I mean, that strong superintending power in the House of Commons, which inconsiderate people have been prevailed on to condemn as trenching on prerogative. Strict law is by no means such a friend to the rights of the subject as they have been taught to believe. They, who

trust, in the end, with their wonted success), that is, upon those which are corruptly and oppressively administered; and this House do faithfully assure his

have been most conversant in this kind of learning, will be most sensible of the danger of submitting corporate rights of high political importance to these subordinate tribunals. The general heads of law on that subject are vulgar and trivial. On them there is not much question. But it is far from easy to determine what special acts, or what special neglect of action, shall subject corporations to a forfeiture. There is so much laxity in this doctrine, that great room is left in favour or prejudice, which might give to the crown an entire dominion over these corporations. On the other hand it is undoubtedly true, that every subordinate corporate right ought to be subject to control; to superior direction; and even to forfeiture upon just cause. In this reason and law agree. In every judgment given on a corporate right of great political importance, the policy and prudence make no small part of the question. To these considerations a court of law is not competent; and indeed an attempt at the least intermixture of such ideas with the matter of law could have no other effect, than wholly to corrupt the judicial character of the court, in which such a cause should come to be tried. It is besides to be remarked, that if, in virtue of a legal process, a forfeiture should be adjudged, the court of law has no power to modify or mitigate. The whole franchise is annihilated, and the corporate property goes into the hands of the crown. They who hold the new doctrines concerning the power of the House of Commons ought well to consider in such a case by what means the corporate rights could be revived, or the property could be recovered out of the hands of the crown. But parliament can do what the courts neither can do nor ought to attempt. Parliament is competent to give due weight to all political considerations. It may modify, it may mitigate, and it may render perfectly secure, all that it does not think fit to take away. It is not likely that parliament will ever draw to itself the cognizance of questions concerning ordinary corporations, farther than to protect them in case attempts are made to induce a forfeiture of their franchises.

The case of the East India Company is different even

majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

from that of the greatest of these corporations. No monopoly of trade, beyond their own limits, is vested in the corporate body of any town or city in the kingdom. Even within these limits the monopoly is not general. The company has the monopoly of the trade of half the world. The first corporation of the kingdom has for the object of its jurisdiction only a few matters of subordinary police. The East India Company governs an empire through all its concerns, and all its departments, from the lowest office of economy to the highest councils of state—an empire to which Great Britain is in comparison but a respectable province. To leave these concerns without superior cognizance would be madness; to leave them to be judged in the courts below, on the principles of a confined jurisprudence, would be folly. It is well if the whole legislative power is competent to the correction of abuses, which are commensurate to the immensity of the object they effect. The idea of an absolute power has indeed its terrors; but that objection lies to every parliamentary proceeding: and as no other can regulate the abuses of such a charter, it is fittest that sovereign authority should be exercised, where it is most likely to be attended with the most effectual correctives. These correctives are furnished by the nature and course of parliamentary proceedings, and by the infinitely diversified characters who compose the two Houses. In effect and virtually they form a vast number, variety, and succession of judges and jurors. The fulness, the freedom, and publicity of discussion, leaves it easy to distinguish what are acts of power, and what the determination of equity and reason. There prejudice corrects prejudice, and the different asperities of party zeal mitigate and neutralize each other. So far from violence being the general characteristic of the proceedings of parliament, whatever the beginnings of any parliamentary process may be, its general fault in the end is, that it is found incomplete and ineffectual.

The propagators of the calumnies against that House of Parliament have been indefatigable in exaggerating the supposed injury done to the East India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands: but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interest of the real and honest proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

The ministers aforesaid have also caused it to be reported, that the House of Commons have confiscated the property of the East India Company. It is the reverse of truth. The whole management was a trust for the proprietors, under their own inspection (and it was so provided for in the bill), and under the inspection of parliament. That bill, so far from confiscating the company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

It is proper that his majesty and all his people should be informed, that the House of Commons have proceeded, with regard to the East India Company, with a degree of care, circumspection, and deliberation, which has not been equalled in the history of parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of their view: in the year 1767 the House took those objects into consideration, in a committee of the whole House; the business was pursued in the following year: in the year 1772 two committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample reports: in the year 1773 the proceedings were carried to an act of parliament, which proved ineffectual to its purpose: the oppressions and abuses in India have since rather increased than diminished, on account of the greatness

of the temptations, and convenience of the opportunities, which got the better of the legislative provisions calculated against ill practices then in their beginnings: insomuch that, in 1781, two committees were again instituted, who have made seventeen reports. It was upon the most minute, exact, and laborious collection and discussion of facts, that the late House of Commons proceeded in the reform which they attempted in the administration of India, but which has been frustrated by ways and means the most dishonourable to his majesty's government, and the most pernicious to the constitution of this kingdom. His majesty was so sensible of the disorders in the company's administration, that the consideration of that subject was no less than six times recommended to the House in speeches from the throne.

The result of the parliamentary inquiries has been, that the East India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the charter had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made, have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the company, by the purchase of qualifications to vote in the general court, and, at length, by getting the company itself deeply in their debt, have obtained the entire and absolute mastery in the body, by which they ought to have been ruled and coerced. Thus their malversations in office are supported instead of being checked by the company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men, who are under the protection of this nation, and who ought to

be protected by it, are oppressed by a most despotic and rapacious tyranny. The company and their servants have strengthened themselves by this confederacy, have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the company to recall, the company held out its legal privileges against all reformation; positively refused to recall them; and supported those, who had fallen under the just censure of this House, with new and stronger marks of countenance and approbation.

The late House discovering the reversed situation of the company, by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce: and they have also discovered that their commercial affairs are in the greatest disorder, that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, a million and upwards being due to the customs, which that House of Commons, whose intentions towards the company have been so grossly misrepresented, were indulgent enough to respite. And thus, instead of confiscating their property, the company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this House, not only as the revenues originate from us, but as, on every failure of the funds set apart for support of the national credit, or to provide for the national strength and safety, the task of supplying every deficiency falls upon his majesty's faithful commons, this House must, in effect, tax the people. The House therefore, at every moment, incurs the hazard of becoming obnoxious to its constituents.

The enemies of the late House of Commons resolved,

if possible, to bring on that event. They therefore endeavoured to misrepresent the provident means adopted by the House of Commons for keeping off this invidious necessity, as an attack on the rights of the East India Company; for they well knew, that, on the one hand, if, for want of proper regulation and relief, the company should become insolvent, or even stop payment, the national credit and commerce would sustain a heavy blow: and that calamity would be justly imputed to parliament, which, after such long inquiries, and such frequent admonitions from his majesty, had neglected so essential and so urgent an article of their duty: on the other hand they knew, that, wholly corrupted as the company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trusts out of their hands; and then a cry would be industriously raised against the House of Commons, as depriving British subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty to comprehend the intricate detail of matters of fact, which render this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honour, and public safety.

The House of Commons had not been able to devise a method, by which the redress of grievances could be effected through the authors of those grievances; nor could they imagine how corruptions could be purified by the corrupters and the corrupted; nor do we conceive how any reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanours which parliament has reprobated, and who for their own ill purposes have given countenance to a false and delusive state of the company's affairs, fabricated to mislead parliament, and to impose upon the nation [1].

[1] The purpose of the misrepresentation being now completely answered, there is no doubt but the committee in

Your commons feel, with a just resentment, the inadequate estimate which your ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not inquired into the subject; and to condemn those who, with the most laudable diligence, have examined and scrutinized every part of it. The deliberations of parliament have been broken; the season of the year is unfavourable; many of us are new members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

We are cautioned against an infringement of the constitution; and it is impossible to know, what the secret advisers of the crown, who have driven out the late ministers for their conduct in parliament, and have dissolved the late parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the crown, even by an implicit obedience to the dictates of the ministers who have advised that speech: we know not how soon those ministers may be disavowed; and how soon the members of this House, for our very agreement with them, may be considered as objects of his majesty's displeasure. Until by his majesty's goodness and wisdom the late example is completely done away, we are not free.

We are well aware, in providing for the affairs in the East, with what an adult strength of abuse, and of wealth and influence growing out of that abuse, his majesty's commons had, in the last parliament, and we

this parliament, appointed by the ministers themselves, will justify the grounds upon which the last parliament proceeded; and will lay open to the world the dreadful state of the company's affairs, and the grossness of their own calumnies upon this head. By delay the new assembly is come to this disgraceful situation of allowing a dividend of eight per cent. by act of parliament, without the least matter before them to justify the granting of any dividend at all.

still have, to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated into the very quarter from whence alone any real reformation can be expected [1].

If, therefore, in the arduous affairs recommended to us, our proceedings should be ill adapted, feeble, and ineffectual; if no delinquency should be prevented, and no delinquent should be called to account; if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences; if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties; if no cruel and unjust exactions shall be forborne; if the source of no peculation or oppressive gain should be cut off; if, by the omission of the opportunities that were in our hands, our Indian empire should fall into

[1] This will be evident to those who consider the number and description of directors and servants of the East India Company, chosen into the present parliament. The light in which the present ministers hold the labours of the House of Commons, in searching into the disorders in the Indian administration, and all its endeavours for the reformation of the government there, without any distinction of times, or of the persons concerned, will appear from the following extract from a speech of the present lord chancellor. After making a high-flown panegyric on those whom the House of Commons had condemned by their resolutions, he said—'Let us not be misled by reports from committees of *another* House, to which, I again repeat, *I pay as much attention as I would do to the history of Robinson Crusoe.* Let the conduct of the East India Company be fairly and fully inquired into. Let it be acquitted or condemned by evidence brought to the bar of the House. Without entering very deeply into the subject, let me reply in a few words to an observation which fell from a noble and learned lord, that the company's finances are distressed, and that they owe, at this moment, a million sterling to the nation. When such a charge is brought, will parliament in its justice forget that the company is restricted from employing *that credit, which its great and flourishing situation* gives to it?'

ruin irretrievable, and in its fall crush the credit, and overwhelm the revenues, of this country;—we stand acquitted to our honour and to our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his majesty's government degraded in the public estimation, and the policy and character of this renowned nation contemptible in the eyes of all Europe.

It passed in the negative.

SPEECH

ON THE

MOTION MADE FOR PAPERS

RELATIVE TO THE DIRECTIONS

FOR CHARGING THE NABOB OF ARCOT'S PRIVATE DEBTS TO EUROPEANS ON THE REVENUES OF THE CARNATIC.

FEBRUARY 28, 1785.

Ἐνταῦθα τί πράττειν ἐχρῆν ἄνδρα τῶν Πλάτωνος καὶ Ἀριστοτέλους ζηλωτὴν δογμάτων; ἆρα περιορᾶν ἀνθρώπους ἀθλίους τοῖς κλέπταις ἐκδιδομένους, ἢ κατὰ δύναμιν αὐτοῖς ἀμύνειν, οἶμαι, ὡς ἤδη τὸ κύκνειον ἐξᾴδουσι διὰ τὸ θεομισὲς ἐργαστήριον τῶν τοιούτων; Ἐμοὶ μὲν οὖν αἰσχρὸν εἶναι δοκεῖ τοὺς μὲν χιλιάρχους, ὅταν λείπωσι τὴν τάξιν, καταδικάζειν· ... τὴν δὲ ὑπὲρ ἀθλίων ἀνθρώπων ὑπολείπειν τάξιν, ὅταν δέῃ πρὸς κλέπτας ἀγανίζεσθαι τοιούτους· καὶ ταῦτα τοῦ Θεοῦ συμμαχοῦντος ἡμῖν, ὥσπερ οὖν ἔταξεν.—JULIANI Epist. 17.

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That the least informed reader of this speech may be enabled to enter fully into the spirit of the transaction, on occasion of which it was delivered, it may be proper to acquaint him, that among the princes dependent on this nation in the southern parts of India, the most considerable at present is commonly known by the title of the nabob of Arcot.

This prince owed the establishment of his government, against the claims of his elder brother, as well as those of other competitors, to the arms and influence of the British East India Company. Being thus established in a considerable part of the dominions he now possesses, he began, about the year 1765, to form, at the instigation (as he asserts) of the servants of the East India Company, a variety of designs for the further extension of his territories. Some years after he carried his views to certain objects of interior arrangement of a very pernicious nature. None of these designs could be compassed without the aid of the company's arms; nor could those arms be employed consistently with an obedience to the company's orders. He was therefore advised to form a more secret, but an equally powerful interest among the servants of that company, and among others both at home and abroad. By engaging them in his interests, the use of the company's power might be obtained without their ostensible authority: the power might even be employed in defiance of the authority; if the case should require, as in truth it often did require, a proceeding of that degree of boldness.

The company had put him into possession of several great cities and magnificent castles. The good order of his affairs, his sense of personal dignity, his ideas

of oriental splendour, and the habits of an Asiatic life (to which, being a native of India and a Mahometan, he had from his infancy been inured) would naturally have led him to fix the seat of his government within his own dominions. Instead of this, he totally sequestered himself from his country; and, abandoning all appearance of state, he took up his residence in an ordinary house, which he purchased in the suburbs of the company's factory at Madras. In that place he has lived, without removing one day from thence, for several years past. He has there continued a constant cabal with the company's servants from the highest to the lowest; creating, out of the ruins of the country, brilliant fortunes for those who will, and entirely destroying those who will not, be subservient to his purposes.

An opinion prevailed, strongly confirmed by several passages in his own letters, as well as by a combination of circumstances forming a body of evidence which cannot be resisted, that very great sums have been by him distributed, through a long course of years, to some of the company's servants. Besides these presumed payments in ready money (of which, from the nature of the thing, the direct proof is very difficult), debts have at several periods been acknowledged to those gentlemen to an immense amount; that is, to some millions of sterling money. There is strong reason to suspect, that the body of these debts is wholly fictitious, and was never created by money *bonâ fide* lent. But even on a supposition that this vast sum was really advanced, it was impossible that the very reality of such an astonishing transaction should not cause some degree of alarm, and incite to some sort of inquiry.

It was not at all seemly, at a moment when the company itself was so distressed, as to require a suspension, by act of parliament, of the payment of bills drawn on them from India—and also a direct tax upon every house in England, in order to facilitate the vent of their goods, and to avoid instant insolvency—at that very moment that their servants should appear in so

flourishing a condition, as, besides ten millions of other demands on their masters, to be entitled to claim a debt of three or four millions more from the territorial revenue of one of their dependent princes.

The ostensible pecuniary transactions of the nabob of Arcot with very private persons are so enormous, that they evidently set aside every pretence of policy, which might induce a prudent government in some instances to wink at ordinary loose practice in ill-managed departments. No caution could be too great in handling this matter; no scrutiny too exact. It was evidently the interest, and as evidently at least in the power of the creditors, by admitting secret participation in this dark and undefined concern, to spread corruption to the greatest and the most alarming extent.

These facts relative to the debts were so notorious, the opinion of their being a principal source of the disorders of the British government in India was so undisputed and universal, that there was no party, no description of men in parliament, who did not think themselves bound, if not in honour and conscience, at least in common decency, to institute a vigorous inquiry into the very bottom of the business, before they admitted any part of that vast and suspicious charge to be laid upon an exhausted country. Every plan concurred in directing such an inquiry; in order that whatever was discovered to be corrupt, fraudulent, or oppressive, should lead to a due animadversion on the offenders; and if any thing fair and equitable in its origin should be found (nobody suspected that much, comparatively speaking, would be so found) it might be provided for; in due subordination, however, to the case of the subject and the service of the state.

These were the alleged grounds for an inquiry, settled in all the bills brought into parliament relative to India, and there were I think no less than four of them. By the bill, commonly called Mr. Pitt's bill, the inquiry was specially, and by express words, committed to the court of directors, without any reserve for the interference of any other person or persons whatsoever. It

was ordered that *they* should make the inquiry into the origin and justice of these debts, as far as the materials in *their* possession enabled them to proceed; and where *they* found those materials deficient, *they* should order the presidency of Fort St. George [Madras] to complete the inquiry.

The court of directors applied themselves to the execution of the trust reposed in them. They first examined into the amount of the debt, which they computed, at compound interest, to be 2,945,600*l.* sterling. Whether their mode of computation, either of the original sums, or the amount on compound interest, was exact, that is, whether they took the interest too high, or the several capitals too low, is not material. On whatever principle any of the calculations was made up, none of them found the debt to differ from the recital of the act, which asserted that the sums claimed were '*very* large.' The last head of these debts the directors compute at 2,465,680*l.* sterling. Of the existence of this debt the directors heard nothing until 1776, and they say, that, 'although they had *repeatedly* written to the nabob of Arcot and to their servants respecting the debt, yet they *had never been able to trace the origin thereof, or to obtain any satisfactory information on the subject.*

The court of directors, after stating the circumstances under which the debts appeared to them to have been contracted, add as follows: 'For these reasons we should have thought it our duty to inquire *very minutely* into those debts, even if the act of parliament had been silent on the subject, before we concurred in any measure for their payment. But with the positive injunctions of the act before us, to examine into their nature and origin, we are indispensably bound to direct such an inquiry to be instituted.' They then order the president and council of Madras to enter into a full examination, &c., &c.

The directors having drawn up their order to the presidency on these principles, communicated the draught of the general letter in which those orders were

contained to the board of his majesty's ministers, and other servants lately constituted by Mr. Pitt's East India Act. These ministers, who had just carried through parliament the bill ordering a specific inquiry, immediately drew up another letter on a principle directly opposite to that which was prescribed by the act of parliament, and followed by the directors. In these second orders, all idea of an inquiry into the justice and origin of the pretended debts, particularly of the last, the greatest, and the most obnoxious to suspicion, is abandoned. They are all admitted and established without any investigation whatsoever; except some private conference with the agents of the claimants is to pass for an investigation; and a fund for their discharge is assigned and set apart out of the revenues of the Carnatic.—To this arrangement in favour of their servants, servants suspected of corruption and convicted of disobedience, the directors of the East India Company were ordered to set their hands, asserting it to arise from their own conviction and opinion, in flat contradiction to their recorded sentiments, their strong remonstrance, and their declared sense of their duty, as well under their general trust and their oath as directors, as under the express injunctions of an act of parliament.

By another section of the same act, the same court of directors were ordered to take into consideration and to decide on the indeterminate rights of the rajah of Tanjore and the nabob of Arcot; and in this, as in the former case, no power of appeal, revision, or alteration, was reserved to any other. It was a jurisdiction, in a cause between party and party, given to the court of directors specifically. It was known that the territories of the former of these princes had been twice invaded and pillaged, and the prince deposed and imprisoned, by the company's servants, influenced by the intrigues of the latter, and for the purpose of paying his pretended debts. The company had, in the year 1775, ordered a restoration of the rajah to his government under certain conditions. The rajah complained that his territories

had not been completely restored to him; and that no part of his goods, money, revenues, or records, unjustly taken and withheld from him, were ever returned. The nabob, on the other hand, never ceased to claim the country itself, and carried on a continued train of negotiation, that it should again be given up to him, in violation of the company's public faith.

The directors, in obedience to this part of the act, ordered an inquiry, and came to a determination to restore certain of his territories to the rajah. The ministers proceeding as in the former case, without hearing any party, rescinded the decision of the directors, refused the restitution of the territory, and without regard to the condition of the country of Tanjore, which had been within a few years four times plundered (twice by the nabob of Arcot, and twice by enemies brought upon it solely by the politics of the same nabob, the declared enemy of that people), and, without discounting a shilling for their sufferings, they accumulate an arrear of about 400,000 pounds of pretended tribute to this enemy; and then they order the directors to put their hands to a new adjudication, directly contrary to a judgment in a judicial character and trust, solemnly given by them, and entered on their records.

These proceedings naturally called for some inquiry. On the 28th of February, 1785, Mr. Fox made the following motion in the House of Commons, after moving that the clauses of the act should be read—'That the proper officer do lay before this House copies and extracts of all letters and orders of the court of directors of the united East India Company, in pursuance of the injunctions contained in the 37th and 38th clauses of the said act;' and the question being put, it passed in the negative by a very great majority.

The last speech in the debate was the following; which is given to the public, not as being more worthy of its attention than others (some of which were of consummate ability), but as entering more into the detail of the subject.

SPEECH,

&c.

THE times we live in, Mr. Speaker, have been distinguished by extraordinary events. Habituated, however, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects any thing more surprising than the spectacle of this day. The right honourable gentleman[1], whose conduct is now in question, formerly stood forth in this House, the prosecutor of the worthy baronet[2] who spoke after him. He charged him with several grievous acts of malversation in office, with abuses of a public trust of a great and heinous nature. In less than two years we see the situation of the parties reversed: and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust, relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigour fully equal to all that have been exerted against him.

But the change of relation between these two gentlemen is not so striking as the total difference of their deportment under the same unhappy circumstances. Whatever the merits of the worthy baronet's defence might have been, he did not shrink from the charge. He met it with manliness of spirit, and decency of behaviour. What would have been thought of him, if he had held the present language of his old accuser? When articles were exhibited against him by that right

[1] Right Honourable Henry Dundas.
[2] Sir Thomas Rumbold, late governor of Madras.

honourable gentleman, he did not think proper to tell the House that we ought to institute no inquiry, to inspect no paper, to examine no witness. He did not tell us (what at that time he might have told us with some show of reason) that our concerns in India were matters of delicacy; that to divulge any thing relative to them would be mischievous to the state. He did not tell us, that those who would inquire into his proceedings were disposed to dismember the empire. He had not the presumption to say, that for his part, having obtained in his Indian presidency the ultimate object of his ambition, his honour was concerned in executing with integrity the trust which had been legally committed to his charge: that others, not having been so fortunate, could not be so disinterested; and therefore their accusations could spring from no other source than faction, and envy to his fortune.

Had he been frontless enough to hold such vain, vapouring language in the face of a grave, a detailed, a specified matter of accusation, whilst he violently resisted every thing which could bring the merits of his cause to the test; had he been wild enough to anticipate the absurdities of this day; that is, had he inferred, as his late accuser had thought proper to do, that he could not have been guilty of malversation in office, for this sole and curious reason, that he had been in office; had he argued the impossibility of his abusing his power on this sole principle, that he had power to abuse, he would have left but one impression on the mind of every man who heard him, and who believed him in his senses—that in the utmost extent he was guilty of the charge.

But, sir, leaving these two gentlemen to alternate, as criminal and accuser, upon what principles they think expedient; it is for us to consider, whether the chancellor of the exchequer, and the treasurer of the navy, acting as a board of control, are justified by law, or policy, in suspending the legal arrangements made by the court of directors, in order to transfer the public revenues to the private emolument of certain servants

of the East India Company, without the inquiry into the origin and justice of their claims, prescribed by an act of parliament ?

It is not contended that the act of parliament did not expressly ordain an inquiry. It is not asserted that this inquiry was not, with equal precision of terms, specially committed under particular regulations to the court of directors. I conceive, therefore, the board of control had no right whatsoever to intermeddle in that business. There is nothing certain in the principles of jurisprudence if this be not undeniably true, that when a special authority is given to any persons by name to do some particular act, no others, by virtue of general powers, can obtain a legal title to intrude themselves into that trust, and to exercise those special functions in their place. I therefore consider the intermeddling of ministers in this affair as a downright usurpation. But if the strained construction, by which they have forced themselves into a suspicious office (which every man, delicate with regard to character, would rather have sought constructions to avoid), were perfectly sound and perfectly legal, of this I am certain, that they cannot be justified in declining the inquiry which had been prescribed to the court of directors. If the board of control did lawfully possess the right of executing the special trust given to that court, they must take it as they found it, subject to the very same regulations which bound the court of directors. It will be allowed that the court of directors had no authority to dispense with either the substance or the mode of inquiry prescribed by the act of parliament. If they had not, where, in the act, did the board of control acquire that capacity ? Indeed, it was impossible they should acquire it.—What must we think of the fabric and texture of an act of parliament which should find it necessary to prescribe a strict inquisition ; that should descend into minute regulations for the conduct of that inquisition ; that should commit this trust to a particular description of men, and in the very same breath should enable another body, at their own pleasure, to supersede

all the provisions the legislature had made, and to defeat the whole purpose, end, and object of the law? This cannot be supposed even of an act of parliament conceived by the ministers themselves, and brought forth during the delirium of the last session.

My honourable friend has told you in the speech which introduced his motion, that fortunately this question is not a great deal involved in the labyrinths of Indian detail. Certainly not. But if it were, I beg leave to assure you, that there is nothing in the Indian detail which is more difficult than in the detail of any other business. I admit, because I have some experience of the fact, that for the interior regulation of India, a minute knowledge of India is requiste. But on any specific matter of delinquency in its government, you are as capable of judging as if the same thing were done at your door. Fraud, injustice, oppression, peculation, engendered in India, are crimes of the same blood, family, and cast, with those that are born and bred in England. To go no farther than the case before us: you are just as competent to judge whether the sum of four millions sterling ought, or ought not, to be passed from the public treasury into a private pocket, without any title except the claim of the parties, when the issue of fact is laid in Madras, as when it is laid in Westminster. Terms of art, indeed, are different in different places; but they are generally understood in none. The technical style of an Indian treasury is not one jot more remote than the jargon of our own exchequer from the train of our ordinary ideas, or the idiom of our common language. The difference, therefore, in the two cases is not in the comparative difficulty or facility of the two subjects, but in our attention to the one, and our total neglect of the other. Had this attention and neglect been regulated by the value of the several objects, there would be nothing to complain of. But the reverse of that supposition is true. The scene of the Indian abuse is distant indeed; but we must not infer that the value of our interest in it is decreased in proportion as it recedes from our view. In our

politics, as in our common conduct, we shall be worse than infants, if we do not put our senses under the tuition of our judgment, and effectually cure ourselves of that optical illusion which makes a brier at our nose of greater magnitude, than an oak at five hundred yards distance.

I think I can trace all the calamities of this country to the single source of our not having had steadily before our eyes a general, comprehensive, well-connected, and well-proportioned view of the whole of our dominions, and a just sense of their true bearings and relations. After all its reductions, the British empire is still vast and various. After all the reductions of the House of Commons (stripped as we are of our brightest ornaments, and of our most important privileges), enough are yet left to furnish us, if we please, with means of showing to the world, that we deserve the superintendence of as large an empire as this kingdom ever held, and the continuance of as ample privileges as the House of Commons, in the plenitude of its power, had been habituated to assert. But if we make ourselves too little for the sphere of our duty; if, on the contrary, we do not stretch and expand our minds to the compass of their object; be well assured, that every thing about us will dwindle by degrees, until at length our concerns are shrunk to the dimensions of our minds. It is not a predilection to mean, sordid, home-bred cares, that will avert the consequences of a false estimation of our interest, or prevent the shameful dilapidation, into which a great empire must fall, by mean reparations upon mighty ruins.

I confess I feel a degree of disgust, almost leading to despair, at the manner in which we are acting in the great exigencies of our country. There is now a bill in this House, appointing a rigid inquisition into the minutest detail of our offices at home. The collection of sixteen millions annually; a collection on which the public greatness, safety, and credit have their reliance; the whole order of criminal jurisprudence, which holds together society itself, has at no time obliged us to call

forth such powers; no, nor any thing like them. There is not a principle of the law and constitution of this country that is not subverted to favour the execution of that project. And for what is all this apparatus of bustle and terror? Is it because any thing substantial is expected from it? No. The stir and bustle itself is the end proposed. The eye-servants of a short-sighted master will employ themselves, not on what is most essential to his affairs, but on what is nearest to his ken. Great difficulties have given a just value to economy; and our minister of the day must be an economist, whatever it may cost us. But where is he to exert his talents? At home to be sure; for where else can he obtain a profitable credit for their exertion? It is nothing to him, whether the object on which he works under our eye be promising or not. If he does not obtain any public benefit, he may make regulations without end. Those are sure to pay in present expectation, whilst the effect is at a distance, and may be the concern of other times and other men. On these principles he chooses to suppose (for he does not pretend more than to suppose) a naked possibility, that he shall draw some resource out of crumbs dropped from the trenchers of penury; that something shall be laid in store from the short allowance of revenue officers, overladen with duty and famished for want of bread; by a reduction from officers who are at this very hour ready to batter the treasury with what breaks through stone walls, for an *increase* of their appointments. From the marrowless bones of these skeleton establishments, by the use of every sort of cutting and of every sort of fretting tool, he flatters himself that he may chip and rasp an empirical alimentary powder, to diet into some similitude of health and substance the languishing chimeras of fraudulent reformation.

Whilst he is thus employed according to his policy and to his taste, he has not leisure to inquire into those abuses in India that are drawing off money by millions from the treasures of this country, which are exhausting the vital juices from members of the state, where the

public inanition is far more sorely felt, than in the local exchequer of England. Not content with winking at these abuses, whilst he attempts to squeeze the laborious ill-paid drudges of English revenue, he lavishes in one act of corrupt prodigality, upon those who never served the public in any honest occupation at all, an annual income equal to two-thirds of the whole collection of the revenues of this kingdom.

Actuated by the same principle of choice, he has now on the anvil another scheme, full of difficulty and desperate hazard, which totally alters the commercial relation of two kingdoms; and what end soever it shall have, may bequeath a legacy of heartburning and discontent to one of the countries, perhaps to both, to be perpetuated to the latest posterity. This project is also undertaken on the hope of profit. It is provided, that out of some (I know not what) remains of the Irish hereditary revenue, a fund at some time, and of some sort, should be applied to the protection of the Irish trade. Here we are commanded again to task our faith, and to persuade ourselves, that out of the surplus of deficiency, out of the savings of habitual and systematic prodigality, the minister of wonders will provide support for this nation, sinking under the mountainous load of two hundred and thirty millions of debt. But whilst we look with pain at his desperate and laborious trifling; whilst we are apprehensive that he will break his back in stooping to pick up chaff and straws, he recovers himself at an elastic bound, and with a broadcast swing of his arm, he squanders over his Indian field a sum far greater than the clear produce of the whole hereditary revenue of the kingdom of Ireland[1].

Strange as this scheme of conduct in ministry is, and

[1] The whole of the net Irish hereditary revenue is, on a medium of the last seven years, about 330,000*l.* yearly. The revenues of all denominations fall short more than 150,000*l.* yearly of the charges. On the *present* produce, if Mr. Pitt's scheme was to take place, he might gain from seven to ten thousand pounds a year.

inconsistent with all just policy, it is still true to itself and faithful to its own perverted order. Those who are bountiful to crimes, will be rigid to merit, and penurious to service. Their penury is even held out as a blind and cover to their prodigality. The economy of injustice is to furnish resources for the fund of corruption. Then they pay off their protection to great crimes and great criminals, by being inexorable to the paltry frailties of little men; and these modern flagellants are sure, with a rigid fidelity, to whip their own enormities on the vicarious back of every small offender.

It is to draw your attention to economy of quite another order, it is to animadvert on offences of a far different description, that my honourable friend has brought before you the motion of this day. It is to perpetuate the abuses which are subverting the fabric of your empire that the motion is opposed. It is therefore with reason (and if he has power to carry himself through, I commend his prudence) that the right honourable gentleman makes his stand at the very outset; and boldly refuses all parliamentary information. Let him admit but one step towards inquiry, and he is undone. You must be ignorant, or he cannot be safe. But before his curtain is let down and the shades of eternal night shall veil our Eastern dominions from our view, permit me, sir, to avail myself of the means which were furnished in anxious and inquisitive times, to demonstrate out this single act of the present minister, what advantages you are to derive from permitting the greatest concern of this nation to be separated from the cognizance, and exempted even out of the competence, of parliament. The greatest body of your revenue, your most numerous armies, your most important commerce, the richest sources of your public credit (contrary to every idea of the known settled policy of England), are on the point of being converted into a mystery of state. You are going to have one-half of the globe hid even from the common liberal curiosity of an English gentleman. Here a grand revolution commences. Mark the period and mark the circumstances. In most of the capital

changes that are recorded in the principles and system of any government, a public benefit of some kind or other has been pretended. The revolution commenced in something plausible; in something which carried the appearance at least of punishment of delinquency, or correction of abuse. But here, in the very moment of the conversion of a department of British government into an Indian mystery, and in the very act in which the change commences, a corrupt private interest is set up in direct opposition to the necessities of the nation. A diversion is made of millions of the public money from the public treasury to a private purse. It is not into secret negotiations for war, peace, or alliance, that the House of Commons is forbidden to inquire. It is a matter of account; it is a pecuniary transaction; it is the demand of a suspected steward upon ruined tenants and an embarrassed master, that the commons of Great Britain are commanded not to inspect. The whole tenor of the right honourable gentleman's argument is consonant to the nature of his policy. The system of concealment is fostered by a system of falsehood. False facts, false colours, false names of persons and things, are its whole support.

Sir, I mean to follow the right honourable gentleman over that field of deception, clearing what he has purposely obscured, and fairly stating what it was necessary for him to misrepresent. For this purpose it is necessary you should know, with some degree of distinctness, a little of the locality, the nature, the circumstances, the magnitude of the pretended debts on which this marvellous donation is founded, as well as of the persons from whom and by whom it is claimed.

Madras, with its dependencies, is the second (but with a long interval, the second) member of the British empire in the East. The trade of that city, and of the adjacent territory, was, not very long ago, among the most flourishing in Asia. But since the establishment of the British power, it has wasted away under an uniform gradual decline; insomuch that in the year 1779 not one merchant of eminence was to be found in the

whole country. During this period of decay, about six hundred thousand pounds sterling a year have been drawn off by English gentlemen on their private account, by the way of China alone. If we add four hundred thousand, as probably remitted through other channels and in other mediums, that is, in jewels, gold, and silver, directly brought to Europe, and in bills upon the British and foreign companies, you will scarcely think the matter overrated. If we fix the commencement of this extraction of money from the Carnatic at a period no earlier than the year 1760, and close it in the year 1780, it probably will not amount to a great deal less than twenty millions of money.

During the deep, silent flow of this steady stream of wealth, which set from India into Europe, it generally passed on with no adequate observation; but happening at some periods to meet rifts of rocks that checked its course, it grew more noisy and attracted more notice. The pecuniary discussions caused by an accumulation of part of the fortunes of their servants in a debt from the nabob of Arcot, was the first thing which very particularly called for, and long engaged, the attention of the court of directors. This debt amounted to eight hundred and eighty thousand pounds sterling, and was claimed, for the greater part, by Englishmen residing at Madras. This grand capital, settled at length by order at 10 per cent., afforded an annuity of eighty-eight thousand pounds [1].

Whilst the directors were digesting their astonishment at this information, a memorial was presented to them from three gentlemen, informing them that their friends had lent likewise to merchants of Canton in China, a sum of not more than one million sterling. In this memorial they called upon the company for their assistance and interposition with the Chinese government for the recovery of the debt. This sum lent to Chinese merchants, was at 24 per cent., which would yield, if

[1] Fourth report, Mr. Dundas's committee, p. 4.

paid, an annuity of two hundred and forty thousand pounds [1].

Perplexed as the directors were with these demands, you may conceive, sir, that they did not find themselves very much disembarrassed by being made acquainted that they must again exert their influence for a new reserve of the happy parsimony of their servants, collected into a second debt from the nabob of Arcot, amounting to two millions four hundred thousand pounds, settled at an interest of 12 per cent. This is known by the name of the Consolidation in 1777, as the former of the nabob's debts was by the title of the Consolidation in 1767. To this was added, in a separate parcel, a little reserve called the cavalry debt, of one hundred and sixty thousand pounds at the same interest. The whole of these four capitals, amounting to four millions four hundred and forty thousand pounds, produced at their several rates, annuities amounting to six hundred and twenty-three thousand pounds a year; a good deal more than one third of the clear land-tax of England at four shillings in the pound; a good deal more than double the whole annual dividend of the East India Company, the nominal masters to the proprietors in these funds. Of this interest, three hundred and eighty-three thousand two hundred pounds a year stood chargeable on the public revenues of the Carnatic.

Sir, at this moment, it will not be necessary to consider the various operations which the capital and interest of this debt have successively undergone. I shall speak to these operations when I come particularly to answer the right honourable gentleman on each of the heads, as he has thought proper to divide them. But this was the exact view in which these debts first appeared to the court of directors and to the world. It varied afterwards. But it never appeared in any other than a most

[1] A witness examined before the committee of secresy says, that eighteen per cent. was the usual interest; but he had heard that more had been given. The above is the account which Mr. B. received.

questionable shape. When this gigantic phantom of debt first appeared before a young minister, it naturally would have justified some degree of doubt and apprehension. Such a prodigy would have filled any common man with superstitious fears. He would exorcise that shapeless, nameless form, and by every thing sacred would have adjured it to tell by what means a small number of slight individuals, of no consequence or situation, possessed of no lucrative offices, without the command of armies, or the known administration of revenues, without profession of any kind, without any sort of trade, sufficient to employ a pedler, could have, in a few years (as to some, even in a few months) amassed treasures equal to the revenues of a respectable kingdom ? Was it not enough to put these gentlemen, in the noviciate of their administration, on their guard, and to call upon them for a strict inquiry (if not to justify them in a reprobation of those demands without any inquiry at all) that when all England, Scotland, and Ireland, had for years been witness to the immense sums laid out by the servants of the company in stocks of all denominations, in the purchase of lands, in the buying and building of houses, in the securing quiet seats in parliament, or in the tumultuous riot of contested elections, in wandering throughout the whole range of those variegated modes of inventive prodigality, which sometimes have excited our wonder, sometimes roused our indignation ; that after all, India was four millions still in debt to *them ?* India in debt to *them !* For what ? Every debt for which an equivalent of some kind or other is not given, is, on the face of it, a fraud. What is the equivalent they have given ? What equivalent had they to give ? What are the articles of commerce, or the branches of manufacture, which those gentlemen have carried hence to enrich India ? What are the sciences they beamed out to enlighten it ? What are the arts they introduced to cheer and to adorn it ? What are the religious, what the moral institutions they have taught among that people as a guide to life, or as a consolation when life is to be no more, that

there is an eternal debt, a debt 'still paying, still to owe,' which must be bound on the present generation in India, and entailed on their mortgaged posterity for ever? A debt of millions, in favour of a set of men, whose names, with few exceptions, are either buried in the obscurity of their origin and talents, or dragged into light by the enormity of their crimes.

In my opinion the courage of the minister was the most wonderful part of the transaction, especially as he must have read, or rather the right honourable gentleman says he has read for him, whole volumes upon the subject. The volumes, by the way, are not by one-tenth part so numerous as the right honourable gentleman has thought proper to pretend, in order to frighten you from inquiry; but in these volumes, such as they are, the minister must have found a full authority for a suspicion (at the very least) of every thing relative to the great fortunes made at Madras. What is that authority? Why no other than the standing authority for all the claims which the ministry has thought fit to provide for—the grand debtor—the nabob of Arcot himself. Hear that prince, in the letter written to the court of directors, at the precise period whilst the main body of these debts were contracting. In his letter he states himself to be, what undoubtedly he is, a most competent witness to this point. After speaking of the war with Hyder Ali in 1768 and 1769, and of other measures which he censures (whither right or wrong it signifies nothing), and into which he says he had been led by the company's servants; he proceeds in this manner—'If all these things were against the real interests of the company, they are ten thousand times more against mine, and against the prosperity of my country, and the happiness of my people; for your interests and mine are the same. *What were they owing to then? To the private views of a few individuals, who have enriched themselves at the expense of your influence, and of my country; for your servants HAVE NO TRADE IN THIS COUNTRY; neither do you pay them high wages, yet in a few years they return to England*

with many lacs of pagodas. How can you or I account for such immense fortunes acquired in so short a time, without any visible means of getting them?'

When he asked this question, which involves its answer, it is extraordinary that curiosity did not prompt the chancellor of the exchequer to that inquiry, which might come in vain recommended to him by his own act of parliament. Does not the nabob of Arcot tell us, in so many words, that there was no fair way of making the enormous sums sent by the company's servants to England? And do you imagine that there was or could be more honesty and good faith, in the demands for what remained behind in India? Of what nature were the transactions with himself? If you follow the train of his information you must see, that if these great sums were at all lent, it was not property, but spoil that was lent; if not lent, the transaction was not a contract, but a fraud. Either way, if light enough could not be furnished to authorize a full condemnation of these demands, they ought to have been left to the parties, who best knew and understood each other's proceedings. It was not necessary that the authority of government should interpose in favour of claims, whose very foundation was a defiance of that authority, and whose object and end was its entire subversion.

It may be said that this letter was written by the nabob of Arcot in a moody humour under the influence of some chagrin. Certainly it was; but it is in such humours that truth comes out. And when he tells you from his own knowledge, what every one must presume, from the extreme probability of the thing, whether he told it or not, one such testimony is worth a thousand that contradict that probability, when the parties have a better understanding with each other, and when they have a point to carry, that may unite them in a common deceit.

If this body of private claims of debt, real or devised, were a question, as it is falsely pretended, between the nabob of Arcot as debtor, and Paul Benfield and his associates as creditors, I am sure I should give myself

but little trouble about it. If the hoards of oppression were the fund for satisfying the claims of bribery and peculation, who would wish to interfere between such litigants? If the demands were confined to what might be drawn from the treasures, which the company's records uniformly assert that the nabob is in possession of; or if he had mines of gold or silver or diamonds (as we know that he has none) these gentlemen might break open his hoards, or dig in his mines, without any disturbance from me. But the gentlemen on the other side of the House know as well as I do, and they dare not contradict me, that the nabob of Arcot and his creditors are not adversaries but collusive parties, and that the whole transaction is under a false colour and false names. The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No; it is between him and them combining and confederating on one side, and the public revenues and the miserable inhabitants of a ruined country on the other. These are the real plaintiffs and the real defendants in the suit. Refusing a shilling from his hoards for the satisfaction of any demand, the nabob of Arcot is always ready, nay, he earnestly, and with eagerness and passion, contends for delivering up to these pretended creditors his territory and his subjects. It is therefore not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins, and whipt out of the backs of the most miserable of men, that we are to pamper extortion, usury, and peculation, under the false names of debtors and creditors of state.

The great patron of these creditors (to whose honour they ought to erect statues) the right honourable gentleman [1], in stating the merits which recommended them to his favour, has ranked them under three grand divisions. The first, the creditors of 1767; then the creditors of the cavalry loan; and lastly, the creditors of the loan in 1777. Let us examine them, one by one, as they pass in review before us.

[1] Mr. Dundas.

The first of these loans, that of 1767, he insists, has an indisputable claim upon the public justice. The creditors, he affirms, lent their money publicly; they advanced it with the express knowledge and approbation of the company; and it was contracted at the moderate interest of ten per cent. In this loan the demand is, according to him, not only just, but meritorious in a very high degree; and one would be inclined to believe he thought so, because he has put it last in the provision he has made for these claims.

I readily admit this debt to stand the fairest of the whole; for whatever may be my suspicions concerning a part of it, I can convict it of nothing worse than the most enormous usery. But I can convict, upon the spot, the right honourable gentleman of the most daring misrepresentation in every one fact, without any exception, that he has alleged in defence of this loan, and of his own conduct with regard to it. I will show you that this debt was never contracted with the knowledge of the company; that it had not their approbation; that they received the first intelligence of it with the utmost possible surprise, indignation, and alarm.

So far from being previously apprized of the transaction from its origin, it was two years before the court of directors obtained any official intelligence of it. 'The dealings of the servants with the nabob were concealed from the first until they were found out' (says Mr. Sayer, the company's counsel) 'by the report of the country.' The presidency, however, at last thought proper to send an official account. On this the directors tell them, 'to your great reproach it has been *concealed from us*. We cannot but suspect this debt to have had its weight in *your proposed aggrandizement of Mahomed Ali* [the nabob of Arcot]; but whether it has or has not, certain it is you are guilty of a high breach of duty in *concealing* it from us.'

These expressions, concerning the ground of transactions, its effect, and its clandestine nature, are in the letters bearing date March 17, 1769. After receiving a more full account on the 23rd March, 1770, they state, that

'Messrs. John Pybus, John Call, and James Bourchier, as trustees for themselves and others of the nabob's private creditors, had proved a deed of assignment upon the nabob and his son of FIFTEEN districts of the nabob's country, the revenues of which yielded, in time of peace, eight lacs of pagodas [320,000*l.* sterling] annually; and likewise an assignment of the yearly tribute paid the nabob from the rajah of Tanjore, amounting to four lacs of rupees' [40,000*l.*]. The territorial revenue at that time possessed by these gentlemen, without the knowledge or consent of their masters, amounted to three hundred and sixty thousand pounds sterling annually. They were making rapid strides to the entire possession of the country, when the directors, whom the right honourable gentleman states as having authorized these proceedings, were kept in such profound ignorance of this royal acquisition of territorial revenue by their servants, that in the same letter they say, 'this assignment was obtained by *three of the members of your board* in January 1767, yet we do not find the *least trace* of it upon your consultations until August 1768, nor do any of your letters to us afford any information relative to such transactions till the first of November, 1768. By your last letters of the 8th of May, 1769, you bring the whole proceedings to light in one view.'

As to the previous knowledge of the company, and its sanction to the debts, you see that this assertion of that knowledge is utterly unfounded. But did the directors approve of it, and ratify the transaction when it was known? The very reverse. On the same 3rd of March, the directors declare, upon an *impartial examination* of the whole conduct of our late governor and council of Fort George (Madras), and on the fullest consideration, that the said governor and council have, *in notorious violation of the trust* reposed in them, manifestly *preferred the interest of private individuals to that of the company*, in permitting the assignment of the revenues of certain valuable districts, to a very large amount, from the nabob to individuals,'— and then, highly

aggravating their crimes, they add 'we order and direct that you do examine, in the most impartial manner, all the above-mentioned transactions; and that you *punish* by suspension, degradation, dismission, or otherwise, as to you shall seem meet, all and every such servant or servants of the company, who may by you be found guilty of any of the above offences.' 'We had' (say the directors) 'the mortification to find that the servants of the company, who had been *raised, supported, and owed their present opulence to the advantages* gained in such service, have in this instance most *unfaithfully betrayed* their trust, *abandoned* the company's interest, and *prostituted* its influence to accomplish the *purposes of individuals, whilst the interest of the company is wholly neglected*, and payment to us rendered extremely precarious.' Here then is the rock of approbation of the court of directors, on which the right honourable gentleman says this debt was founded. Any member, Mr. Speaker, who should come into the House, on my reading this sentence of condemnation of the court of directors against their unfaithful servants, might well imagine that he had heard a harsh, severe, unqualified invective against the present ministerial board of control. So exactly do the proceedings of the patrons of this abuse tally with those of the actors in it, that the expressions used in the condemnation of the one, may serve for the reprobation of the other without the change of a word.

To read you all the expressions of wrath and indignation fulminated in this despatch against the meritorious creditors of the right honourable gentleman, who according to him have been so fully approved by the company, would be to read the whole.

The right honourable gentleman, with an address peculiar to himself, every now and then slides in the presidency of Madras, as synonymous to the company. That the presidency did not approve the debt is certain. But the right honourable gentleman, as prudent in suppressing, as skilful in bringing forward his matter, has not chosen to tell you that the presidency were the very

persons guilty of contracting this loan; creditors themselves, and agents and trustees for all the other creditors. For this the court of directors accuse them of breach of trust; and for this the right honourable gentleman considers them as perfectly good authority for those claims. It is pleasant to hear a gentleman of the law quote the approbation of creditors as an approbation for their own debt.

How they came to contract the debt to themselves, how they came to act as agents for those whom they ought to have controlled, is for your inquiry. The policy of this debt was announced to the court of directors by the very persons concerned in creating it. 'Till very lately,' (say the presidency) 'the nabob placed his dependence on the company. Now he has been taught by ill advisers that an interest out of doors may stand him in good stead. He has been made to believe that *his private creditors have power and interest to over-rule the court of directors* [1].' The nabob was not misinformed. The private creditors instantly qualified a vast number of votes; and having made themselves masters of the court of proprietors, as well as extending a powerful cabal in other places as important, they so completely overturned the authority of the court of directors at home and abroad, that this poor, baffled government was soon obliged to lower its tone. It was glad to be admitted into partnership with its own servants. The court of directors, establishing the debt which they had reprobated as a breach of trust, and which was planned for the subversion of their authority, settled its payments on a par with those of the public; and even so were not able to obtain peace or even equality in their

[1] For the threats of the creditors, and total subversion of the authority of the company in favour of the nabob's power, and the increase thereby of his evil dispositions, and the great derangement of all public concerns, see select committee Fort St. George's letters, 21st November, 1769, and January 31st, 1770; September 11, 1772. And Governor Bourchier's letters to the nabob of Arcot, 21st November, 1769, and December 9th, 1769.

demands. All the consequences lay in a regular and irresistible train. By employing their influence for the recovery of this debt, their orders, issued in the same breath, against creating new debts, only animated the strong desire of their servants to this prohibited, prolific spot, and it soon produced a swarm of sons and daughters not in the least degenerated from the virtue of their parents.

From that moment the authority of the court of directors expired in the Carnatic, and every where else. 'Every man,' says the presidency, 'who opposes the government and its measures, finds an immediate countenance from the nabob; even our discarded officers, however unworthy, are received into the nabob's service [1].' It was indeed a matter of no wonderful sagacity to determine whether the court of directors, with their miserable salaries to their servants of four or five hundred pounds a year, or the distributor of millions, was most likely to be obeyed. It was an invention beyond the imagination of all speculatists of our speculating age, to see a government quietly settled in one and the same town, composed of two distinct members; one to pay scantily for obedience, and the other to bribe high for rebellion and revolt.

The next thing which recommends this particular debt to the right honourable gentleman is, it seems, the moderate interest of ten per cent. It would be lost labour to observe on this assertion. The nabob, in a long apologetic letter [2] for the transaction between him and the body of the creditors, states the fact, as I shall

[1] 'He [the nabob] is in a great degree the cause of our present inability, by diverting the revenues of the Carnatic through *private channels.*'—'Even this Peshcush [the Tanjore tribute] circumstanced as he and we are, he has assigned over to others, *who now set themselves in opposition to the company.*' Consultations, October 11, 1769, on the 12th communicated to the nabob.

[2] Nabob's letter to Governor Palk. Papers published by the directors in 1775; and papers printed by the same authority, 1781.

state it to you. In the accumulation of this debt, the first interest paid was from thirty to thirty-six per cent.; it was then brought down to twenty-five per cent.; at length it was reduced to twenty; and there it found its rest. During the whole process, as often as any of these monstrous interests fell into an arrear (into which they were continually falling), the arrear, formed into a new capital[1], was added to the old, and the same interest of twenty per cent. accrued upon both. The company having got some scent of the enormous usury which prevailed at Madras, thought it necessary to interfere, and to order all interests to be lowered to ten per cent. This order, which contained no exception, though it by no means pointed to this particular class of debts, came like a thunder-clap on the nabob. He considered his political credit as ruined; but to find a remedy to this unexpected evil, he again added to the old principal twenty per cent. interest accruing for the last year. Thus a new fund was formed; and it was on that accumulation of various principals, and interests heaped upon interests, not on the sum originally lent, as the right honourable gentleman would make you believe, that ten per cent. was settled on the whole.

When you consider the enormity of the interest at which these debts were contracted, and the several interests added to the principal, I believe you will not think me so sceptical, if I should doubt, whether for this debt of 880,000*l.* the nabob ever saw 100,000*l.* in real money. The right honourable gentleman suspecting, with all his absolute dominion over fact, that he never will be able to defend this venerable, patriarchal

[1] See papers printed by order of a general court in 1780, pp. 222 and 224, as also nabob's letters to Governor Dupré, 19th July, 1771, 'I have taken up loans by which I have suffered a loss of *upwards of a score of pagodas* [four millions sterling] *by interest on a heavy interest.*'—Letter 15th January 1772, 'Notwithstanding I have taken much trouble, and have made many payments to my creditors, yet the load of my debt, *which became so great, by interest and compound interest*, is not clear.'

job, though sanctified by its numerous issue and hoary with prescriptive years, has recourse to recrimination, the last resource of guilt. He says that this loan of 1767 was provided for in Mr. Fox's India bill; and judging of others by his own nature and principles, he more than insinuates, that this provision was made, not from any sense of merit in the claim, but from partiality to General Smith, a proprietor and an agent for that debt. If partiality could have had any weight against justice and policy, with the then ministers and their friends, General Smith had titles to it. But the right honourable gentleman knows as well as I do, that General Smith was very far from looking on himself as partially treated in the arrangements of that time; indeed what man dare to hope for private partiality in that sacred plan for relief to nations?

It is not necessary that the right honourable gentleman should sarcastically call that time to our recollection. Well do I remember every circumstance of that memorable period. God forbid I should forget it! O illustrious disgrace! O victorious defeat! May your memorial be fresh and new to the latest generations! May the day of that generous conflict be stamped in characters never to be cancelled or worn out from the records of time! Let no man hear of us, who shall not hear that in a struggle against the intrigues of courts, and the perfidious levity of the multitude, we fell in the cause of honour, in the cause of our country, in the cause of human nature itself! But if fortune should be as powerful over fame, as she has been prevalent over virtue, at least our conscience is beyond her jurisdiction. My poor share in the support of that great measure no man shall ravish from me. It shall be safely lodged in the sanctuary of my heart; never, never to be torn from thence, but with those holds that grapple it to life.

I say, I well remember that bill and every one of its honest and its wise provisions. It is not true that this debt was ever protected or enforced, or any revenue whatsoever set apart for it. It was left in that bill just

where it stood; to be paid or not to be paid out of the nabob's private treasures, according to his own discretion. The company had actually given it their sanction; though always relying for its validity on the sole security of the faith of him[1], who without their knowledge or consent entered into the original obligation. It had no other sanction; it ought to have had no other. So far was Mr. Fox's bill from providing *funds* for it, as this ministry have wickedly done for this, and for ten times worse transactions, out of the public estate, that an express clause immediately preceded, positively forbidding any British subject from receiving assignments upon any part of the territorial revenue on any pretence whatsoever.

You recollect, Mr. Speaker, that the chancellor of the exchequer strongly professed to retain every part of Mr. Fox's bill which was intended to prevent abuse; but in *his* India bill, which (let me do justice) is as able and skilful a performance for its own purposes as ever issued from the wit of man, premeditating this iniquity —*hoc ipsum ut strueret Trojamque aperiret Achivis*, expunged this essential clause, broke down the fence which was raised to cover the public property against the rapacity of his partisans, and thus levelling every obstruction, he made a firm, broad highway for sin and death, for usury and oppression, to renew their ravages throughout the devoted revenues of the Carnatic.

The tenor, the policy, and the consequences of this debt of 1767, are, in the eyes of the ministry, so excellent, that its merits are irresistible; and it takes the lead to give credit and countenance to all the rest. Along with this chosen body of heavy-armed infantry, and to support it in the line, the right honourable gentleman has stationed his corps of black cavalry. If there be any advantage between this debt and that of 1769, according to him the cavalry debt has it. It is not a subject of defence: it is a theme of panegyric. Listen to the right honourable gentleman and you will

[1] The nabob of Arcot.

find it was contracted to save the country; to prevent mutiny in armies; to introduce economy in revenues; and for all these honourable purposes, it originated at the express desire, and by the representative authority of the company itself.

First, let me say a word to the authority. This debt was contracted not by the authority of the company, not by its representatives (as the right honourable gentleman has the unparallelled confidence to assert), but in the ever-memorable period of 1777, by the usurped power of those who rebelliously, in conjunction with the nabob of Arcot, had overturned the lawful government of Madras. For that rebellion this House unanimously directed a public prosecution. The delinquents, after they had subverted government, in order to make to themselves a party to support them in their power, are universally known to have dealt jobs about to the right and to the left, and to any who were willing to receive them. This usurpation, which the right honourable gentleman well knows, was brought about by and for the great mass of these pretended debts, is the authority which is set up by him to represent the company; to represent that company which, from the first moment of their hearing of this corrupt and fraudulent transaction to this hour, have uniformly disowned and disavowed it.

So much for the authority. As to the facts, partly true, and partly colourable, as they stand recorded they are in substance these.—The nabob of Arcot, as soon as he had thrown off the superiority of this country by means of these creditors, kept up a great army which he never paid. Of course, his soldiers were generally in a state of mutiny [1]. The usurping council say that they laboured hard with their master the nabob, to persuade him to reduce these mutinous and useless troops. He consented; but, as usual, pleaded inability to pay them their arrears. Here was a difficulty. The nabob had no money; the company had no money;

[1] See Mr. Dundas's 1st, 2nd, and 3rd Reports.

every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The *soucars* were at hand; that is, private English money-jobbers offered their assistance. Messieurs Taylor, Majendie, and Call, proposed to advance the small sum of 160,000*l.* to pay off the nabob's black cavalry, provided the company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the company to those servants who knew that the company, whose sanction was demanded, had positively prohibited all such transactions.

However, so far as the reality of the dealing goes, all is hitherto fair and plausible: and here the right honourable gentleman concludes, with commendable prudence, his account of the business. But here it is I shall beg leave to commence my supplement: for the gentleman's discreet modesty has led him to cut the thread of the story somewhat abruptly. One of the most essential parties is quite forgotten. Why should the episode of the poor nabob be omitted? When that prince chooses it, nobody can tell his story better. Excuse me, if I apply again to my book, and give it to you from the first hand; from the nabob himself.

'Mr. Stratton became acquainted with this, and got Mr. Taylor and others to lend me four lacs of pagodas towards discharging the arrears of pay of my troops. Upon this I wrote a letter of thanks to Mr. Stratton: and upon the faith of this money being paid immediately, I ordered many of my troops to be discharged by a certain day, and lessened the number of my servants. Mr. Taylor, &c., some time after acquainted me, that they had no ready money, but they would grant teeps payable in four months. This astonished me; for I did not know what might happen, when the sepoys were dismissed from my service. I begged Mr. Taylor and the others to pay this sum to the officers of my

regiments at the time they mentioned; and desired the officers, at the same time, to pacify and persuade the men belonging to them, that their pay would be given to them *at the end of four months;* and that, till those arrears were discharged, their pay should be continued to them. *Two years* are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this. I hoped to have been able, by this expedient, to have lessened the number of my troops, and discharged the arrears due to them, considering the trifle of interest to Mr. Taylor and the others as no great matter; but instead of this, *I am oppressed with the burden of pay due to these troops; and the interest, which is going on to Mr. Taylor from the day the teeps were granted to him.*' What I have read to you is an extract of a letter from the nabob of the Carnatic to Governor Rumbold, dated the 22nd, and received the 24th of March, 1779[1].

Suppose his highness not to be well broken in to things of this kind, it must indeed surprise so known and established a bond-vendor, as the nabob of Arcot, one who keeps himself the largest bond warehouse in the world, to find that he was now to receive in kind; not to take money for his obligations, but to give his bond in exchange for the bond of Messieurs Taylor, Majendie, and Call, and to pay besides a good, smart interest, legally twelve per cent. (in reality perhaps twenty, or twenty-four per cent.) for this exchange of paper. But his troops were not to be so paid, or so disbanded. They wanted bread, and could not live by cutting or shuffling of bonds. The nabob still kept his troops in service, and was obliged to continue, as you have seen, the whole expense, to exonerate himself from which he became indebted to the soucars.

Had it stood here, the transaction would have been of the most audacious strain of fraud and usury perhaps ever before discovered, whatever might have been

[1] See further Consultations, 3rd February, 1778.

practised and concealed. But the same authority (I mean the nabob's) brings before you something if possible more striking. He states that for this their paper, he immediately handed over to these gentlemen something very different from paper; that is, the receipt of a territorial revenue, of which it seems they continued as long in possession as the nabob himself continued in possession of any thing. Their payments therefore not being to commence before the end of four months, and not being completed in two years, it must be presumed (unless they prove to the contrary) that their payments to the nabob were made out of the revenues they had received from his assignment. Thus they condescended to accumulate a debt of 160,000*l.* with an interest of twelve per cent., in compensation for a lingering payment to the nabob of 160,000*l.* of his own money.

Still we have not the whole: about two years after the assignment of those territorial revenues to these gentlemen, the nabob receives a remonstrance from his chief manager in a principal province, of which this is the tenor—'The *entire* revenue of those districts is by your highness's order set apart to discharge the tuneaws [assignments] granted to the Europeans. The gomastahs [agents] of Mr. Taylor, to Mr. De Fries, are there in order to collect those tuneaws; and as they receive *all* the revenue that is collected, your highness's troops have *seven or eight months' pay due*, which they cannot receive, and are thereby reduced to the greatest *distress. In such times*, it is highly necessary to provide for the sustenance of the troops, that they may be ready to exert themselves in the service of your highness.'

Here, sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them; and they still remain unpaid. A territory destined to pay other troops, is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny,

suspended in one quarter, starts up in another; until all the revenues, and all the establishments, are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed. In that state of confusion, in a very few months after the date of the memorial I have just read to you, things were found, when the nabob's troops, famished to feed English soucars instead of defending the country, joined the invaders, and deserted in entire bodies to Hyder Ali[1].

The manner in which this transaction was carried on, shows that good examples are not easily forgotten, especially by those who are bred in a great school. One of those splendid examples give me leave to mention, at a somewhat more early period, because one fraud furnishes light to the discovery of another, and so on, until the whole secret of mysterious iniquity bursts upon you in a blaze of detection. The paper I shall read you is not on record. If you please you may take it on my word. It is a letter written from one of undoubted information in Madras to Sir John Clavering, describing the practice that prevailed there, whilst the company's allies were under sale, during the time of Governor Winch's administration.

'——One mode,' says Clavering's correspondent, 'of amassing money at the nabob's cost is curious. He is generally in arrears to the company. Here the governor, being cash-keeper, is generally on good terms with the banker, who manages matters thus: the governor presses the nabob for the balance due from him; the nabob flies to the banker for relief; the banker engages to pay the money, and grants his notes accordingly, which he puts in the cash-book as ready money; the nabob pays him an interest for it at two and three per cent. per mensem, till the tunkaws he grants on the particular districts for it are paid. Matters in the mean time are

[1] Mr. Dundas's 1st Report, pp, 26, 29, for the mutinous state and desertion of the nabob's troops for want of pay. See also Report 4, of the same committee.

so managed, that there is no call for this money for the company's service till the tunkaws become due. By this means not a cash is advanced by the banker, though he receives a heavy interest from the nabob, which is divided as lawful spoil.'

Here, Mr. Speaker, you have the whole art and mystery, the true free-mason secret of the profession of *soucaring;* by which a few innocent, inexperienced young Englishmen, such as Mr. Paul Benfield, for instance, without property upon which any one would lend to themselves a single shilling, are enabled at once to take provinces in mortgage, to make princes their debtors, and to become creditors for millions.

But it seems the right honourable gentleman's favourite soucar cavalry have proved the payment before the mayor's court at Madras! Have they so? Why then defraud our anxiety and their characters of that proof? Is it not enough that the charges which I have laid before you have stood on record against these poor injured gentlemen for eight years? Is it not enough that they are in print by the orders of the East India Company for five years? After these gentlemen have borne all the odium of this publication, and all the indignation of the directors, with such unexampled equanimity, now that they are at length stimulated into feeling, are you to deny them their just relief? But will the right honourable gentleman be pleased to tell us, how they came not to give this satisfaction to the court of directors, their lawful masters, during all the eight years of this litigated claim? Were they not bound, by every tie that can bind man, to give them this satisfaction? This day, for the first time, we hear of the proofs. But when were these proofs offered? In what cause? Who were the parties? Who inspected? Who contested this belated account? Let us see something to oppose to the body of record which appears against them. The mayor's court! the mayor's court! Pleasant! Does not the honourable gentleman know, that the first corps of creditors (the creditors of 1767) stated it as a sort of hardship to them,

that they could not have justice at Madras, from the impossibility of their supporting their claims in the mayor's court? Why? because, say they, the members of that court were themselves creditors, and therefore could not sit as judges[1]. Are we ripe to say that no creditor under similar circumstances was member of the court, when the payment which is the ground of this cavalry debt was put in proof[2]? Nay, are we not in a manner compelled to conclude, that the court was so constituted, when we know that there is scarcely a man in Madras, who has not some participation in these transactions? It is a shame to hear such proofs mentioned, instead of the honest, vigorous scrutiny, which the circumstances of such an affair so indispensably call for.

But his majesty's ministers, indulgent enough to other scrutinies, have not been satisfied with authorizing the payment of this demand without such inquiry as the act has prescribed; but they have added the arrear of twelve per cent. interest, from the year 1777 to the year 1784, to make a new capital, raising thereby 160 to 294,000*l.* Then they charge a new twelve per cent. on the whole from that period, for a transaction, in which it will be a miracle if a single penny will be ever found really advanced from the private stock of the pretended creditors.

[1] Memorial from the creditors to the governor and council, 22nd January, 1770.

[2] In the year 1778, Mr. James Call, one of the proprietors of this specific debt, was actually mayor. Appendix to 2nd Report of Mr. Dundas's committee, No. 65.—The only proof, which appeared on the inquiry instituted in the general court of 1781, was an affidavit of the *lenders themselves*, deposing (what nobody ever denied) that they had *engaged* and *agreed* to pay—not that they *had* paid the sum of 160,000*l.* This was two years after the transaction; and the affidavit is made before George Proctor, mayor, an attorney for certain of the old creditors. Proceedings of the president and council of Fort Saint George, 22nd February, 1779.

In this manner, and at such an interest, the ministers have thought proper to dispose of 294,000*l.* of the public revenues, for what is called the *cavalry loan.* After dispatching this, the right honourable gentleman leads to battle his last grand division, the consolidated debt of 1777. But having exhausted all his panegyric on the two first, he has nothing at all to say in favour of the last. On the contrary, he admits that it was contracted in defiance of the company's orders, without even the pretended sanction of any pretended representatives. Nobody, indeed, has yet been found hardy enough to stand forth avowedly for its defence. But it is little to the credit of the age, that what has not plausibility enough to find an advocate, has influence enough to obtain a protector. Could any man expect to find that protector any where? But what must every man think, when he finds that protector in the chairman of the committee of secresy[1], who had published to the House, and to the world, the facts that condemn these debts—the orders that forbid the incurring of them—the dreadful consequences which attended them. Even in his official letter, when he tramples on his parliamentary report, yet his general language is the same. Read the preface to this part of the ministerial arrangement, and you would imagine that this debt was to be crushed, with all the weight of indignation which could fall from a vigilant guardian of the public treasury upon those who attempted to rob it. What must be felt by every man who has feeling, when, after such a thundering preamble of condemnation, this debt is ordered to be paid without any sort of inquiry into its authenticity? without a single step taken to settle even the amount of the demand? without an attempt so much as to ascertain the real persons claiming a sum, which rises in the accounts from one million three hundred thousand pound sterling to two million four hundred thousand pound principal money[2]?

[1] Right Honourable Henry Dundas.

[2] Appendix to the 4th Report of Mr. Dundas's committee, No. 15.

without an attempt made to ascertain the proprietors, of whom no list has ever yet been laid before the court of directors; of proprietors who are known to be in a collusive shuffle, by which they never appear to be the same in any two lists, handed about for their own particular purposes?

My honourable friend, who made you the motion, has sufficiently exposed the nature of this debt. He has stated to you that *its own agents*, in the year 1781, in the arrangement *they proposed* to make at Calcutta, were satisfied to have twenty-five per cent. at once struck off from the capital of a great part of this debt; and prayed to have a provision made for this reduced principal without any interest at all. This was an arrangement of their *own*, an arrangement made by those who best knew the true constitution of their own debt; who knew how little favour it merited[1], and how little hope they had to find any person in authority abandoned enough to support it as it stood.

But what corrupt men, in the fond imaginations of a sanguine avarice, had not the confidence to propose, they have found a chancellor of the exchequer in England hardy enough to undertake for them. He has cheered their drooping spirits. He has thanked the peculators for not despairing of their commonwealth.

[1] 'No sense of the common danger, in case of a war, can prevail on him [the nabob of Arcot] to furnish the company with what is absolutely necessary to assemble an army, though it is beyond a doubt, that money to a large amount is now hoarded up in his coffers at Chepauk; and tunkaws are granted to *individuals*, upon some of the most *valuable countries*, for payment of part of those debts which he has contracted, and *which certainly will not bear inspection, as neither debtor nor creditors have ever had the confidence to submit the accounts to our examination*, though they expressed a wish to consolidate the debts under the auspices of this government, agreeably to a plan they had formed.' Madras Consultations, 20th July, 1778. Mr. Dundas's Appendix to 2nd Report, 143. See also last Appendix to ditto Report, No. 376, B.

He has told them they were too modest. He has replaced the twenty-five per cent. which, in order to lighten themselves, they had abandoned in their conscious terror. Instead of cutting off the interest, as they had themselves consented to do, with the fourth of the capital, he has added the whole growth of four years' usury of twelve per cent. to the first overgrown principal; and has again grafted on this meliorated stock a perpetual annuity of six per cent. to take place from the year 1781. Let no man hereafter talk of the decaying energies of nature. All the acts and monuments in the records of peculation, the consolidated corruption of ages, the patterns of exemplary plunder in the heroic times of Roman iniquity, never equalled the gigantic corruption of this single act. Never did Nero, in all the insolent prodigality of despotism, deal out to his prætorian guards a donation fit to be named with the largess showered down by the bounty of our chancellor of the exchequer on the faithful band of his Indian sepoys.

The right honourable gentleman[1] lets you freely and voluntarily into the whole transaction. So perfectly has his conduct confounded his understanding that he fairly tells you, that through the course of the whole business he has never conferred with any but the agents of the pretended creditors. After this do you want more to establish a secret understanding with the parties? to fix, beyond a doubt, their collusion and participation in a common fraud?

If this were not enough he has furnished you with other presumptions that are not to be shaken. It is one of the known indications of guilt to stagger and prevaricate in a story; and to vary in the motives that are assigned to conduct. Try these ministers by this rule. In their official despatch they tell the presidency of Madras that they have established the debt for two reasons; first, because the nabob (the party indebted) does not dispute it; secondly, because it is mischievous

[1] Mr. Dundas.

to keep it longer afloat; and that the payment of the European creditors will promote circulation in the country. These two motives (for the plainest reasons in the world) the right honourable gentleman has this day thought fit to totally abandon. In the first place he rejects the authority of the nabob of Arcot. It would indeed be pleasant to see him adhere to this exploded testimony. He next, upon grounds equally solid, abandons the benefit of that circulation, which was to be produced by drawing out all the juices of the body. Laying aside, or forgetting, these pretences of his despatch, he has just now assumed a principle totally different, but to the full as extraordinary. He proceeds upon a supposition that many of the claims may be fictitious. He then finds, that in a case where many valid and many fraudulent claims are blended together, the best course for their discrimination is indiscriminately to establish them all. He trusts (I suppose) as there may not be a fund sufficient for every description of creditors, that the best warranted claimants will exert themselves in bringing to light those debts which will not bear an enquiry. What he will not do himself he is persuaded will be done by others; and for this purpose he leaves to any person a general power of excepting to the debt. This total change of language and prevarication in principle is enough, if it stood alone, to fix the presumption of unfair dealing. His despatch assigns motives of policy, concord, trade, and circulation. His speech proclaims discord and litigations; and proposes, as the ultimate end, detection.

But he may shift his reasons, and wind and turn as he will confusion awaits him at all his doubles. Who will undertake this detection? Will the nabob? But the right honourable gentleman has himself this moment told us, that no prince of the country can by any motive be prevailed upon to discover any fraud that is practised upon him by the company's servants. He says what (with the exception of the complaint against the cavalry loan) all the world knows to be true: and with-

out that prince's concurrence, what evidence can be had of the fraud of any the smallest of these demands? The ministers never authorized any person to enter into his exchequer, and to search his records. Why then this shameful and insulting mockery of a pretended contest? Already contests for a preference have arisen among these rival bond creditors. Has not the company itself struggled for a preference for years, without any attempt at detection of the nature of those debts with which they contended? Well is the nabob of Arcot attended to in the only specific complaint he has ever made. He complained of unfair dealing in the cavalry loan. It is fixed upon him with interest on interest; and this loan is excepted from all power of litigation.

This day, and not before, the right honourable gentleman thinks that the general establishment of all claims is the surest way of laying open the fraud of some of them. In India this is a reach of deep policy. But what would be thought of this mode of acting on a demand upon the treasury in England? Instead of all this cunning, is there not one plain way open, that is, to put the burden of proof on those who make the demand? Ought not ministry to have said to the creditors, 'the person who admits your debt stands excepted as to evidence; he stands charged as a collusive party, to hand over the public revenues to you for sinister purposes? You say, you have a demand of some millions on the Indian treasury; prove that you have acted by lawful authority; prove at least that your money has been *bonâ fide* advanced; entitle yourself to my protection by the fairness and the fulness of the communications you make.' Did an honest creditor ever refuse that reasonable and honest test?

There is little doubt, that several individuals have been seduced by the purveyors to the nabob of Arcot, to put their money (perhaps the whole of honest and laborious earnings) into their hands, and that at such high interest, as, being condemned by law, leaves them at the mercy of the great managers whom they trusted. These seduced creditors are probably persons of no

power or interest either in England or India, and may be just objects of compassion. By taking, in this arrangement, no measure for discrimination and discovery, the fraudulent and the fair are in the first instance confounded in one mass. The subsequent selection and distribution is left to the nabob. With him the agents and instruments of his corruption, whom he sees to be omnipotent in England, and who may serve him in future, as they have done in times past, will have precedence, if not an exclusive preference. These leading interests domineer, and have always domineered, over the whole. By this arrangement the persons seduced are made dependent on their seducers; honesty (comparative honesty at least) must become of the party of fraud, and must quit its proper character, and its just claims, to entitle itself to the alms of bribery and peculation.

But be these English creditors what they may, the creditors, most certainly not fraudulent, are the natives, who are numerous and wretched indeed: by exhausting the whole revenues of the Carnatic nothing is left for them. They lent *bonâ fide;* in all probability they were even forced to lend, or to give goods and service to the nabob's obligations. They had no trusts to carry to his market. They had no faith of alliances to sell. They had no nations to betray to robbery and ruin. They had no lawful government seditiously to overturn; nor had they a governor, to whom it is owing that you exist in India, to deliver over to captivity, and to death, in a shameful prison[1].

These were the merits of the principal part of the debt of 1777, and the universally conceived causes of its growth; and thus the unhappy natives are deprived of every hope of payment for their real debts, to make provision for the arrears of unsatisfied bribery and treason. You see in this instance, that the presumption of guilt is not only no exception to the demands on the public treasury, but with these ministers it is a

[1] Lord Pigot.

necessary condition to their support. But that you may not think this preference solely owing to their known contempt of the natives, who ought with every generous mind to claim their first charities; you will find the same rule religiously observed with Europeans too. Attend, sir, to this decisive case.—Since the beginning of the war, besides arrears of every kind, a bond debt has been contracted at Madras, uncertain in its amount, but represented from four hundred thousand pounds to a million sterling. It stands only at the low interest of eight per cent. Of the legal authority on which this debt was contracted, of its purposes for the very being of the state, of its publicity and fairness, no doubt has been entertained for a moment. For this debt no sort of provision whatever has been made. It is rejected as an outcast, whilst the whole undissipated attention of the minister has been employed for the discharge of claims entitled to his favour by the merits we have seen.

I have endeavoured to find out, if possible, the amount of the whole of these demands, in order to see how much, supposing the country in a condition to furnish the fund, may remain to satisfy the public debt and the necessary establishments. But I have been foiled in my attempt. About one-fourth, that is about 220,000*l.* of the loan of 1767, remains unpaid. How much interest is in arrear I could never discover: seven or eight years at least, which would make the whole of that debt about 396,000*l.* This stock, which the ministers in their instructions to the governor of Madras state as the least exceptionable, they have thought proper to distinguish by a marked severity, leaving it the only one, on which the interest is not added to the principal, to beget a new interest.

The cavalry loan, by the operation of the same authority, is made up to 294,000*l.*, and this 294,000*l.* made up of principal and interest, is crowned with a new interest of twelve per cent.

What the grand loan, the bribery loan of 1777, may be is amongst the deepest mysteries of state. It is

probably the first debt ever assuming the title of consolidation, that did not express what the amount of the sum consolidated was. It is little less than a contradiction in terms. In the debt of the year 1767 the sum was stated in the act of consolidation, and made to amount to 880,000*l.* capital. When this consolidation of 1777 was first announced at the Durbar, it was represented authentically at 2,400,000*l.* In that, or rather in a higher state, Sir Thomas Rumbold found and condemned it[1]. It afterwards fell into such a terror, as to sweat away a million of its weight at once; and it sunk to 1,400,000*l*[2]. However it never was without a

[1] In Sir Thomas Rumbold's letter to the court of directors March 15th, 1778, he represents it as higher, in the following manner:—'How shall I paint to you my astonishment on my arrival here, when I was informed that independent of this four lacs of pagodas [the cavalry loan]; independent of the nabob's debt to his old creditors, and the money due to the company; he had contracted a debt to the enormous amount of sixty-three lacs of pagodas [2,520,000*l.*]. I mention this circumstance to you *with horror;* for the creditors being in general *servants of the company,* renders my task on the part of the company, *difficult and invidious.*' —'I have freed the sanction of this government from *so corrupt* a transaction. It is in my mind the most venal of all proceedings, to give the company's protection to debts that cannot bear the light; and though it appears exceedingly alarming, that a country, on which you are to depend for resources, should be so involved, as to be nearly three years' revenue in debt: in a country too, where one year's revenue can never be called *secure,* by men who know any thing of the politics of this part of India.'—'I think it proper to mention to you, that although the *nabob reports his private debt to amount to upwards of sixty lacs,* yet I understand that it is not quite so much.' Afterwards Sir Thomas Rumbold recommended this debt to the favourable attention of the company, but without any sufficient reason for his change of disposition. However, he went no further.

[2] Nabob's proposals, November 25th, 1778; and memorial of the creditors, March 1st, 1799.

resource for recruiting it to its old plumpness. There was a sort of floating debt of about 4 or 500,000*l.* more ready to be added as occasion should require.

In short, when you pressed this sensitive plant it always contracted its dimensions. When the rude hand of inquiry was withdrawn it expanded in all the luxuriant vigour of its original vegetation. In the treaty of 1781, the whole of the nabob's debt to private Europeans is by Mr. Sullivan, agent to the nabob and his creditors, stated at 2,800,000*l.*, which (if the cavalry loan and the remains of the debt of 1767 be subtracted) leaves it nearly at the amount originally declared at the Durbar in 1777. But then there is a private instruction to Mr. Sullivan, which it seems will reduce it again to the lower standard of 1,400,000*l.* Failing in all my attempts, by a direct account, to ascertain the extent of the capital claimed (where in all probability no capital was ever advanced), I endeavoured, if possible, to discover it by the interest which was to be paid. For that purpose, I looked to the several agreements for assigning the territories of the Carnatic to secure the principal and interest of this debt. In one of them [1] I found in a sort of postscript, by way of an additional remark (not in the body of the obligation), the debt represented at 1,400,000*l.* But when I computed the sums to be paid for interest by instalments in another paper, I found they produced an interest of two millions, at twelve per cent., and the assignment supposed, that if the instalments might exceed, they might also fall short of the real provision for that interest [2].

Another instalment bond was afterwards granted. In that bond the interest exactly tallies with a capital of 1,400,000*l* [3]. But pursuing this capital through the correspondence, I lost sight of it again, and it was asserted that this instalment bond was considerably short of the

[1] Nabob's proposals to his new consolidated creditors, November 25th, 1778.

[2] Paper signed by the nabob, 6th January, 1780.

[3] Kistbundi to July 31, 1780.

interest that ought to be computed to the time mentioned[1]. Here are, therefore, two instalments of equal authority, differing at least a million from each other; and as neither persons claiming, nor any special sum as belonging to each particular claimant, is ascertained in the instruments of consolidation, or in the instalment bonds, a large scope was left to throw in any sums for any persons, as their merits in advancing the interests of that loan might require; a power was also left for reduction, in case a harder hand, or more scanty funds, might be found to require it. Stronger grounds for a presumption of fraud never appeared in any transaction. But the ministers, faithful to the plan of the interested persons, whom alone they thought fit to confer with on this occasion, have ordered the payment of the whole mass of these unknown, unliquidated sums, without an attempt to ascertain them. On this conduct, sir, I leave you to make your own reflections.

It is impossible (at least I have found it impossible) to fix on the real amount of the pretended debts with which your ministers have thought proper to load the Carnatic. They are obscure; they shun inquiry; they are enormous. That is all you know of them.

That you may judge what chance any honourable and useful end of government has for a provision that comes in for the leavings of these gluttonous demands, I must take it on myself to bring before you the real condition of that abused, insulted, racked, and ruined country; though in truth my mind revolts from it; though you will hear it with horror; and I confess I tremble when I think on these awful and confounding dispensations of Providence. I shall trouble you with a few words as to the cause.

The great fortunes made in India, in the beginnings of conquest, naturally excited an emulation in all the parts, and through the whole succession of the company's service. But in the company it gave rise to other sentiments. They did not find the new channel

[1] Governor's letter to the nabob, 25th July, 1779.

of acquisition flow with equal riches to them. On the contrary, the high flood-tide of private emolument was generally in the lowest ebb of their affairs. They began also to fear, that the fortune of war might take away what the fortune of war had given. Wars were accordingly discouraged by repeated injunctions and menaces; and that the servants might not be bribed into them by the native princes, they were strictly forbidden to take any money whatsoever from their hands. But vehement passion is ingenious in resources. The company's servants were not only stimulated, but better instructed by the prohibition. They soon fell upon a contrivance which answered their purposes far better than the methods which were forbidden; though in this also they violated an ancient, but they thought, an abrogated order. They reversed their proceedings. Instead of receiving presents, they made loans. Instead of carrying on wars in their own name, they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; and being thus freed from all restraint, they indulged themselves in the most extravagant speculations of plunder. The cabal of creditors who have been the object of the late bountiful grant from his majesty's ministers, in order to possess themselves, under the name of creditors and assignees, of every country in India, as fast as it should be conquered, inspired into the mind of the nabob of Arcot (then a dependent on the company of the humblest order) a scheme of the most wild and desperate ambition, that I believe ever was admitted into the thoughts of a man so situated [1]. First, they persuaded him to consider himself as a principal member in the political system of Europe. In the next place they held out to

[1] Report of the select committee, Madras Consultations, January 7, 1771. See also papers published by the order of the court of directors in 1776; and Lord Macartney's correspondence with Mr. Hastings and the nabob of Arcot. See also Mr. Dundas's Appendix, No. 376, B. Nabob's propositions through Mr. Sullivan and Assam Khân, Art. 6, and indeed the whole.

him, and he readily imbibed, the idea of the general empire of Hindostan. As a preliminary to this undertaking, they prevailed on him to propose a tripartite division of that vast country. One part to the company; another to the Marattas; and the third to himself. To himself he reserved all the southern part of the great peninsula, comprehended under the general name of the Decan.

On this scheme of their servants, the company was to appear in the Carnatic in no other light than as a contractor for the provision of armies, and the hire of mercenaries for his use, and under his direction. This disposition was to be secured by the nabob's putting himself under the guarantee of France, and, by the means of that rival nation, preventing the English for ever from assuming an equality, much less a superiority in the Carnatic. In pursuance of this treasonable project (treasonable on the part of the English) they extinguished the company as a sovereign power in that part of India; they withdrew the company's garrisons out of all the forts and strongholds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the nabob of Arcot; they fell upon, and totally destroyed, the oldest ally of the company, the king of Tanjore, and plundered the country to the amount of near five millions sterling; one after another, in the nabob's name, but with English force, they brought into a miserable servitude all the princes, and great, independent nobility, of a vast country[1]. In proportion to these treasons and violences, which

[1] 'The principal object of the expedition is to get money from Tanjore to pay the nabob's debt: if a surplus, to be applied in discharge of the nabob's debts to his private creditors.' Consultations, March 20, 1771; and for further lights, Consultations, 12th June, 1771. 'We are alarmed lest this debt to *individuals* should have been the *real* motive for the aggrandizement of Mahomed Ali [the nabob of Arcot], and that *we are plunged into a war* to put him in possession of the Mysore revenues *for the discharge of the debt.*' Letter from the directors, March 17, 1769.

ruined the people, the fund of the nabob's debt grew and flourished.

Among the victims to this magnificent plan of universal plunder, worthy of the heroic avarice of the projectors, you have all heard (and he has made himself to be well remembered) of an Indian chief called Hyder Ali Khan. This man possessed the western, as the company under the name of the nabob of Arcot does the eastern division of the Carnatic. It was among the leading measures in the design of this cabal (according to their own emphatic language) to *extirpate* this Hyder Ali [1]. They declared the nabob of Arcot to be his sovereign, and himself to be a rebel, and publicly invested their instrument with the sovereignty of the kingdom of Mysore. But their victim was not of the passive kind. They were soon obliged to conclude a treaty of peace and close alliance with this rebel, at the gates of Madras. Both before and since this treaty, every principle of policy pointed out this power as a natural alliance; and on his part, it was courted by every sort of amicable office. But the cabinet council of English creditors would not suffer their nabob of Arcot to sign the treaty, nor even to give to a prince, at least his equal, the ordinary titles of respect and courtesy [2]. From that time forward, a continued plot was carried on within the divan, black and white, of the nabob of Arcot, for the destruction of Hyder Ali. As to the outward members of the double, or rather treble government of Madras, which had signed the treaty, they were always prevented by some overruling influence (which they do not describe, but which cannot be misunderstood) from performing what justice and interest combined so evidently to enforce [3].

[1] Letter from the nabob, May 1st, 1768; and ditto, 24th April, 1770, 1st October; ditto, 16th September, 1772, 16th March, 1773.

[2] Letter from the presidency at Madras to the court of directors, 27th June, 1769.

[3] Mr. Dundas's committee, Report 1, Appendix, No. 29.

When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty, and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorablo example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leavo the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those, against whom the faith which holds the moral elements of the world together was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Carnatic—then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity, in an unknown and hostile land. Those who

were able to evade this tempest, fled to the walled cities. But escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do; but it was a people in beggary; it was a nation which stretched out its hands for food. For months together these creatures of sufferance, whose very excess and luxury in their most plenteous days had fallen short of the allowance of our austerest fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by a hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets, or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow-citizens, by bringing before you some of the circumstances of this plague of hunger. Of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting; they are so degrading to the sufferers and to the hearers; they are so humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a pall over this hideous object, and to leave it to your general conceptions.

For eighteen months, without intermission, this destruction raged from the gates of Madras to the gates of Tanjore; and so completely did these masters in their art, Hyder Ali, and his more ferocious son, absolve themselves of their impious vow, that when the British armies traversed, as they did, the Carnatic for hundreds of miles in all directions, through the whole line of their march they did not see one man, not one woman, not one child, not one four-footed beast of any description whatever. One dead, uniform silence reigned over the whole region. With the inconsiderable exceptions of the

narrow vicinage of some few forts, I wish to be understood as speaking literally ;—I mean to produce to you more than three witnesses, above all exception, who will support this assertion in its full extent. That hurricane of war passed through every part of the central provinces of the Carnatic. Six or seven districts to the north and to the south (and these not wholly untouched) escaped the general ravage.

The Carnatic is a country not much inferior in extent to England. Figure to yourself, Mr. Speaker, the land in whose representative chair you sit ; figure to yourself the form and fashion of your sweet and cheerful country from Thames to Trent, north and south, and from the Irish to the German sea, east and west, emptied and embowelled (may God avert the omen of our crimes !) by so accomplished a desolation. Extend your imagination a little farther, and then suppose your ministers taking a survey of this scene of waste and desolation ; what would be your thoughts if you should be informed, that they were computing how much had been the amount of the excises, how much the customs, how much the land and malt tax, in order that they should charge (take it in the most favourable light) for public service, upon the relics of the satiated vengeance of relentless enemies, the whole of what England had yielded in the most exuberant seasons of peace and abundance ? What would you call it ? To call it tyranny sublimed into madness, would be too faint an image ; yet this very madness is the principle upon which the ministers at your right hand have proceeded in their estimate of the revenues of the Carnatic, when they were providing, not supply for the establishment of its protection, but rewards for the authors of its ruin.

Every day you are fatigued and disgusted with this cant, ' the Carnatic is a country that will soon recover, and become instantly as prosperous as ever.' They think they are talking to innocents, who will believe that, by sowing of dragons' teeth, men may come up ready grown and ready armed. They who will give themselves the trouble of considering (for it requires

no great reach of thought, no very profound knowledge) the manner in which mankind are increased, and countries cultivated, will regard all this raving as it ought to be regarded. In order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them. Here the road to economy lies not through receipt, but through expense; and in that country nature has given no short cut to your object. Men must propagate, like other animals, by the mouth. Never did oppression light the nuptial torch; never did extortion and usury spread out the genial bed. Does any one of you think that England, so wasted, would, under such a nursing attendance, so rapidly and cheaply recover? But he is meanly acquainted with either England or India, who does not know that England would a thousand times sooner resume population, fertility, and what ought to be the ultimate secretion from both, revenue, than such a country as the Carnatic.

The Carnatic is not by the bounty of nature a fertile soil. The general size of its cattle is proof enough that it is much otherwise. It is some days since I moved, that a curious and interesting map, kept in the India House, should be laid before you[1]. The India House is not yet in readiness to send it; I have therefore brought down my own copy, and there it lies for the use of any gentleman who may think such a matter worthy of his attention. It is indeed a noble map, and of noble things; but it is decisive against the golden dreams and sanguine speculations of avarice run mad. In addition to what you know must be the case in every part of the world (the necessity of a previous provision of habitation, seed, stock, capital), that map will show you, that the uses of the influences of Heaven itself are in that country a work of art. The Carnatic is refreshed by few or no living brooks or running streams, and it has rain only at one season; but its product of rice exacts the use of water subject to perpetual command.

[1] Mr. Barnard's map of the Jaghire.

This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country; they are formed for the greater part of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labour, and maintained at a mighty charge. In the territory contained in that map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of eleven hundred, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occasionally drawn over the fields, and these watercourses again call for a considerable expense to keep them properly scoured and duly levelled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than ten thousand of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the uses of religious purification. These are not the enterprises of your power, nor in a style of magnificence suited to the taste of your minister. These are the monuments of real kings, who were the fathers of their people; testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition; but by the ambition of an insatiable benevolence, which, not contented with reigning in the dispensation of happiness during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.

Long before the late invasion, the persons who are the objects of the grant of public money now before you had so diverted the supply of the pious funds of culture and population, that every where the reservoirs were fallen into a miserable decay[1]. But after those do-

[1] See Report 4, Mr. Dundas's committee, p. 46.

mestic enemies had provoked the entry of a cruel foreign foe into the country, he did not leave it, until his revenge had completed the destruction begun by their avarice. Few, very few indeed, of these magazines of water that are not either totally destroyed, or cut through with such gaps, as to require a serious attention and much cost to re-establish them, as the means of present subsistence to the people, and of future revenue to the state.

What, sir, would a virtuous and enlightened ministry do on the view of the ruins of such works before them?—on the view of such a chasm of desolation as that which yawned in the midst of those countries to the north and south, which still bore some vestiges of cultivation? They would have reduced all their most necessary establishments; they would have suspended the justest payments; they would have employed every shilling derived from the producing, to reanimate the powers of the unproductive parts. While they were performing this fundamental duty, whilst they were celebrating these mysteries of justice and humanity, they would have told the corps of fictitious creditors, whose crimes were their claims, that they must keep an awful distance; that they must silence their inauspicious tongues; that they must hold off their profane, unhallowed paws from this holy work; they would have proclaimed with a voice that should make itself heard, that on every country the first creditor is the plough; that this original, indefeasible claim supersedes every other demand.

That is what a wise and virtuous ministry would have done and said. This, therefore, is what our minister could never think of saying or doing. A ministry of another kind would have first improved the country, and have thus laid a solid foundation for future opulence and future force. But on this grand point of the restoration of the country, there is not one syllable to be found in the correspondence of our ministers, from the first to the last; they felt nothing for a land desolated by fire, sword, and famine; their sympathies took

another direction; they were touched with pity for bribery, so long tormented with a fruitless itching of its palms; their bowels yearned for usury, that had long missed the harvest of its returning months [1]; they felt for peculation, which had been for so many years raking in the dust of an empty treasury; they were melted into compassion for rapine and oppression, licking their dry, parched, unbloody jaws. These were the objects of their solicitude. These were the necessities for which they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of Lord Macartney, who, in a letter to the court of directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the nabob of Arcot, rates the revenue, as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this Lord Macartney grounds his calculations, and on this they chose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the court of directors, have compelled that miserable, enslaved body, to put their hands to an order for appropriating the enormous sum of 480,000*l.* annually, as a fund for paying to their rebellious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of Lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honour of being almost as old an acquaintance as any Lord Macartney has. A constant and unbroken friendship has subsisted between us from a very early period; and, I trust, he thinks, that as I respect his

[1] Interest is rated in India by the month.

character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace estimate of revenue was not grounded on the state of the Carnatic as it then, or as it had recently, stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostilities of oppression and mismanagement, that the revenues sinking with the prosperity of the country, had fallen to about 800,000*l.* a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, Sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity and production. It was that state of revenue (namely, the actual state before the war) which the directors have opposed to Lord Macartney's speculations. They refused to take the revenues for more than 800,000*l.* In this they are justified by Lord Macartney himself, who, in a subsequent letter, informs the court, that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and honest collection. If therefore the ministers have gone wrong, they were not deceived by Lord Macartney: they were deceived by no man. The estimate of the directors is nearly the very estimate furnished by the right honourable gentleman himself, and published to the world in one of the printed reports of his own committee [1]; but as

[1] Mr. Dundas's committee, Rep. 1, p. 9. and ditto, Rep. 4, p. 69, where the revenue of 1777 is stated only at 22 lacs—30 lacs stated as the revenue, '*supposing* the Carnatic to be *properly* managed.'

soon as he obtained his power, he chose to abandon his account. No part of this official conduct can be defended on the ground of his parliamentary information.

In this clashing of accounts and estimates, ought not the ministry, if they wished to preserve even appearances, to have waited for information of the actual result of these speculations, before they laid a charge, and such a charge, not conditionally and eventually, but positively and authoritatively, upon a country which they all knew, and which one of them had registered on the records of this House, to be wasted, beyond all example, by every oppression of an abusive government, and every ravage of a desolating war? But that you may discern in what manner they use the correspondence of office, and that thereby you may enter into the true spirit of the ministerial board of control, I desire you, Mr. Speaker, to remark, that through their whole controversy with the court of directors, they do not so much as hint at their ever having seen any other paper from Lord Macartney, or any other estimate of revenue than this of 1781. To this they hold. Here they take post; here they entrench themselves.

When I first read this curious controversy between the ministerial board and the court of directors, common candour obliged me to attribute their tenacious adherence to the estimate of 1781, to a total ignorance of what had appeared upon the records. But the right honourable gentleman has chosen to come forward with an uncalled-for declaration; he boastingly tells you that he has seen, read, digested, compared every thing; and that if he has sinned, he has sinned with his eyes broad open. Since then the ministers will obstinately shut the gates of mercy on themselves, let them add to their crimes what aggravations they please. They have then (since it must be so) wilfully and corruptly suppressed the information which they ought to have produced; and, for the support of peculation, have made themselves guilty of spoliation and suppression of evidence. The paper I hold in my hand, which totally overturns (for the present at least) the estimate of 1781, they have no

more taken notice of in their controversy with the court of directors, than if it had no existence. It is the report made by a committee appointed at Madras, to manage the whole of the six countries assigned to the company by the nabob of Arcot. This committee was wisely instituted by Lord Macartney, to remove from himself the suspicion of improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the nabob. To that statement they oppose the terms on which the same districts were rented for five years, under their authority. Under the nabob, the gross farm was so high as 570,000*l.* sterling. What was the clear produce? Why, no more than about 250,000*l.*; and this was the whole profit of the nabob's treasury, under his own management, of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about 530,000*l.*, but then the estimated net amount was nearly double the nabob's. It however did not then exceed 480,000*l.*; and Lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled, to deceive. It is the authorized, recorded state of a real, recent transaction. Here is not twelve hundred thousand pounds, not eight hundred. The whole revenue of the Carnatic yielded no more in May 1782 than four hundred and eighty thousand pounds; nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establishment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the nabob's farm rated so high as 570,000*l.* Hitherto all is well; but follow on to the effective net revenue: there the illusion vanishes; and you will not find nearly so

much as half the produce. It is with reason therefore Lord Macartney invariably, throughout the whole correspondence, qualifies all his views and expectations of revenue, and all its plans for its application, with the indispensable condition, that the management is not in the hands of the nabob of Arcot. Should that fatal measure take place, he has over and over again told you, that he has no prospect of realizing any thing whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable facts before them, what has been done by the chancellor of the exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee, the defence of our dominions, and, what was more dear to them, possibly, their own job depended; they have delivered back again without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the nabob of Arcot. To crown all, according to their miserable practice whenever they do any thing transcendently absurd, they preface this their abdication of their trusts, by a solemn declaration, that they were not obliged to it by any principle of policy, or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic, in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a recovery of what is called arrears, as well as an improvement of the revenue of one of the six provinces which were let in 1782[1]. It was brought about by making a new war. After some sharp actions, by the resolution and skill of Colonel Fullarton, several of the petty princes of the most southerly of the un-

[1] The province of Tinnevelly.

wasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remained as they were first farmed. So that instead of producing only their original rent of 480,000*l.*, they netted, in about two years and a quarter, 1,320,000*l.* sterling, which would be about 660,000*l.* a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed.

The second account received, is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to 1,200,000*l.*

You must here remark, Mr. Speaker, that this revenue is the produce of *all* the nabob's dominions. During the assignment the nabob paid nothing, because the company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right honourable gentleman; and suppose 1,200,000*l.* to be annually realized (of which we actually know of no more than the realizing of six hundred thousand) out of this you must deduct the subsidy and rent which the nabob paid before the assignment, namely 340,000*l.* a year. This reduces back the revenue applicable to the new distribution made by his majesty's ministers to about 800,000*l.* Of this sum five-eighths are by them surrendered to the debts. The remaining three are the only fund left for all the purposes so magnificently displayed in the letter of the board of control; that is for a new-cast peace establishment; a new fund for ordnance and fortifications; and a large allowance for what they call 'the splendour of the Durbar.'

You have heard the account of these territories as they stood in 1782. You have seen the *actual* receipt

since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realizing all this you may value yourselves on the vigour and diligence of a governor and committee that have done so much. If these hopes from the committee are rational —remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew, when they signed the death-warrant of the Carnatic, that the nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With the knowledge of this disposition, a British chancellor of the exchequer, and treasurer of the navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir ul Omra and Paul Benfield, the unhappy and deluded souls, who, untaught by uniform example, were still weak enough to put their trust in English faith. They have gone farther; they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived? And from what fund is this compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge, and all hope, the minister has made a solemn, voluntary declaration, that he never will interfere with the nabob's internal government.

The last thing considered by the board of control among the debts of the Carnatic was that arising to the

East India Company, which, after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of 480,000*l.* a year with the lenders of 1767. This debt the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781, states it to be at that period 1,200,000*l.* The first account of the court of directors makes it 900,000*l.* This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear; it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which by the reason of the thing, and the uniform practice of all nations, supersedes every private claim.

Those who gave this preference to private claims, consider the company's as a lawful demand; else, why did they pretend to provide for it? On their own principles they are condemned.

But I, sir, who profess to speak to your understanding and to your conscience, and to brush away from this business all false colours, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the company; whatever the company may be indebted to that undone country. It owes nothing to the company for this plain and simple reason—the territory charged with the debt is their own. To say that their revenues fall short, and owe them money, is to say they are in debt to themselves, which is only talking nonsense. The fact is, that by the invasion of an enemy, and the ruin of the country, the company, either in its own name, or in the names of the nabob of Arcot and rajah of Tanjore, has lost for several years what it might have looked to receive from its own estate. If men were allowed to credit themselves upon such principles, any one might soon grow rich by this mode of accounting. A flood comes down upon a man's estate

in the Bedford Level of a thousand pounds a year, and drowns his rents for ten years. The chancellor would put that man into the hands of a trustee, who would gravely make up his books, and for this loss credit himself in his account for a debt due to him of 10,000*l*. It is, however, on this principle the company makes up its demands on the Carnatic. In peace they go the full length, and indeed more than the full length, of what the people can bear for current establishments; then they are absurd enough to consolidate all the calamities of war into debts; to metamorphose the devastations of the country into demands upon its future production. What is this but to avow a resolution utterly to destroy their own country, and to force the people to pay for their sufferings, to a government which has proved unable to protect either the share of the husbandman or their own? In every lease of a farm, the invasion of an enemy, instead of forming a demand for arrear, is a release of rent; nor for that release is it at all necessary to show that the invasion has left nothing to the occupier of the soil; though in the present case it would be too easy to prove that melancholy fact[1]. I therefore applauded my right honourable friend, who, when he canvassed the company's accounts, as a preliminary to a bill that ought not to stand on falsehood of any kind, fixed his discerning eye, and his deciding hand, on these debts of the company, from the nabob of Arcot and rajah of Tanjore, and at one stroke expunged them all, as utterly irrecoverable; he might have added as utterly unfounded.

On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I blame the preference given to thoso

[1] 'It is certain that the incursion of a *few* of Hyder's horse into the Jaghire, in 1767, cost the company upwards of 27,000 pagodas, *in allowances for damages*.' Consultations, February 11th, 1771.

fictitious private debts over the standing defence, and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment which forms the commercial connexion between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul, putrid mucus, in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms, which devour the nutriment, and eat up the bowels of India[1]. It is necessary, sir, you should recollect two things: First, that the nabob's debt to the company carries no interest. In the next place you will observe, that whenever the company has occasion to borrow, she has always commanded whatever she thought fit at eight per cent. Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The nabob falls into an arrear to the company. The presidency presses for payment. The nabob's answer is, I have no money. Good. But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and, from his grateful compassion to the nabob, and his filial regard to the company, he unlocks the treasures of his virtuous industry; and, for a consideration of twenty-four or thirty-six per cent. on a mortgage of the territorial revenue, becomes security to the company for the nabob's arrear.

[1] Proceedings at Madras, 11th February, 1769, and throughout the correspondence on this subject; particularly Consultations, October 4th, 1769, and the Creditors' Memorial, 20th January, 1770.

All this intermediate usury thus becomes sanctified by the ultimate view to the company's payment. In this case, would not a plain man ask this plain question of the company; if you know that the nabob must annually mortgage his territories to your servants to pay his annual arrear to you, why is not the assignment or mortgage made directly to the company itself? By this simple, obvious operation, the company would be relieved and the debt paid, without the charge of a shilling interest to that prince. But if that course should be thought too indulgent, why do they not take that assignment with such interest to themselves as they pay to others, that is, eight per cent.? Or if it were thought more advisable (why it should I know not) that he must borrow, why do not the company lend their own credit to the nabob for their own payment? That credit would not be weakened by the collateral security of his territorial mortgage. The money might still be had at eight per cent. Instead of any of these honest and obvious methods, the company has for years kept up a show of disinterestedness and moderation, by suffering a debt to accumulate to them from the country powers without any interest at all; and at the same time have seen before their eyes, on a pretext of borrowing to pay that debt, the revenues of the country charged with an usury of twenty, twenty-four, thirty-six, and even eight-and-forty per cent. with compound interest, for the benefit of their servants. All this time they know that by having a debt subsisting without any interest, which is to be paid by contracting a debt on the highest interest, they manifestly render it necessary to the nabob of Arcot to give the private demand a preference to the public; and, by binding him and their servants together in a common cause, they enable him to form a party to the utter ruin of their own authority and their own affairs. Thus their false moderation, and their affected purity, by the natural operation of every thing false, and every thing affected, become pander and bawd to the unbridled debauchery and licentious lewdness of usury and extortion.

In consequence of this double game, all the territorial revenues have, at one time or other, been covered by those locusts, the English soucars. Not one single foot of the Carnatic has escaped them; a territory as large as England. During these operations what a scene has that country presented[1]! The usurious European assignee supersedes the nabob's native farmer of the revenue; the farmer flies to the nabob's presence to claim his bargain; whilst his servants murmur for wages, and his soldiers mutiny for pay. The mortgage to the European assignee is then resumed, and the native farmer replaced; replaced, again to be removed on the new clamour of the European assignee[2]. Every man of rank and landed fortune being long since extinguished, the remaining miserable last cultivator, who grows to the soil, after having his back scored by the farmer, has it again flayed by the whip of the assignee, and is thus by a ravenous, because a short-lived succession of claimants, lashed from oppressor to oppressor, whilst a single drop of blood is left as the means of extorting a single grain of corn. Do not think I paint. Far, very far, from it; I do not reach the fact, nor approach to it.

[1] For some part of these usurious transactions, see Consultation 28th January, 1781; and for the nabob's excusing his oppressions on account of these debts, Consultation, 26th November, 1770. 'Still I undertook, first, the payment of the money belonging to the company, who are my kind friends, and by borrowing, and *mortgaging my jewels*, &c., by *taking from every one of my servants*, in proportion to their circumstances, by *fresh severities* also on my country, *notwithstanding its distressed state*, as you know.'—The Board's remark is as follows; after controverting some of the facts, they say, 'That his countries are oppressed is most certain, but not from real necessity; *his debts have indeed afforded him a constant pretence* for using severities and cruel oppressions.'

[2] See Consultation, 28th January, 1781, where it is asserted and not denied, that the nabob's farmers of revenue seldom continue for three months together. From this the state of the country may be easily judged of.

Men of respectable condition, men equal to your substantial English yeomen, are daily tied up and scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the same source. Tyrannous exaction brings on servile concealment; and that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature. Such is the effect of the establishment of a debt to the company, as it has hitherto been managed, and as it ever will remain, until ideas are adopted totally different from those which prevail at this time.

Your worthy ministers, supporting what they are obliged to condemn, have thought fit to renew the company's old order against contracting private debts in future. They begin by rewarding the violation of the ancient law; and then they gravely re-enact provisions of which they have given bounties for the breach. This inconsistency has been well exposed[1]. But what will you say to their having gone the length of giving positive directions for contracting the debt which they positively forbid?

I will explain myself. They order the nabob, out of the revenues of the Carnatic, to allot four hundred and eighty thousand pounds a year, as a fund for the debts before us. For the punctual payment of this annuity, they order him to give *soucar* security. When a *soucar*, that is, a money dealer, becomes security for any native prince, the course is, for the native prince to countersecure the money dealer, by making over to him in mortgage a portion of his territory, equal to the sum annually to be paid, with an interest of at least twenty-four per cent. The point fit for the House to know is, who are these soucars, to whom this security on the revenues in favour of the nabob's creditors is to

[1] In Mr. Fox's speech.

be given? The majority of the House, unaccustomed to these transactions, will hear with astonishment that these soucars are no other than the creditors themselves. The minister, not content with authorizing these transactions in a manner and to an extent unhoped for by the rapacious expectations of usury itself, loads the broken back of the Indian revenues, in favour of his worthy friends the soucars, with an additional twenty-four per cent. for being security to themselves for their own claims; for condescending to take the country in mortgage, to pay to themselves the fruits of their own extortions.

The interest to be paid for this security, according to the most moderate strain of soucar demand, comes to 118,000*l.* a year, which, added to the 480,000*l.* on which it is to accrue, will make the whole charge on account of these debts on the Carnatic revenues amount to 598,000*l.* a year, as much as even a long peace will enable those revenues to produce. Can any one reflect for a moment on all those claims of debt, which the minister exhausts himself in contrivances to augment with new usuries, without lifting up his hands and eyes in astonishment at the impudence, both of the claim and of the adjudication? Services of some kind or other these servants of the company must have done, so great and eminent, that the chancellor of the exchequer cannot think that all they have brought home is half enough. He halloos after them, 'Gentlemen, you have forgot a large packet behind you, in your hurry; you have not sufficiently recovered yourselves; you ought to have, and you shall have, interest upon interest, upon a prohibited debt that is made up of interest upon interest. Even this is too little. I have thought of another character for you, by which you may add something to your gains; you shall be security to yourselves; and hence will arise a new usury, which shall efface the memory of all the usuries suggested to you by your own dull inventions.'

I have done with the arrangement relative to the Carnatic. After this it is to little purpose to observe on what the ministers have done to Tanjore. Your

ministers have not observed even form and ceremony in their outrageous and insulting robbery of that country, whose only crime has been, its early and constant adherence to the power of this, and the suffering of an uniform pillage in consequence of it. The debt of the company from the rajah of Tanjore, is just of the same stuff with that of the nabob of Arcot.

The subsidy from Tanjore, on the arrear of which this pretended debt (if any there be) has accrued to the company, is not like that paid by the nabob of Arcot, a compensation for vast countries obtained, augmented, and preserved for him; not the price of pillaged treasuries, ransacked houses, and plundered territories. —It is a large grant, from a small kingdom not obtained by our arms; robbed, not protected, by our power; a grant for which no equivalent was ever given, or pretended to be given. The right honourable gentleman, however, bears witness in his reports to the punctuality of the payments of this grant of bounty, or, if you please, of fear. It amounts to one hundred and sixty thousand pounds sterling net annual subsidy. He bears witness to a further grant of a town and port, with an annexed district of thirty thousand pounds a year, surrendered to the company since the first donation. He has not borne witness, but the fact is (he will not deny it) that in the midst of war, and during the ruin and desolation of a considerable part of his territories, this prince made many very large payments. Notwithstanding these merits and services, the first regulation of ministry is to force from him a territory of an extent which they have not yet thought proper to ascertain, for a military peace establishment, the particulars of which they have not yet been pleased to settle.

The next part of their arrangement is with regard to war. As confessedly this prince had no share in stirring up any of the former wars, so all future wars are completely out of his power; for he has no troops whatever, and is under a stipulation not so much as to correspond with any foreign state, except through the company. Yet, in case the company's servants should again be

involved in war, or should think proper again to provoke any enemy, as in times past they have wantonly provoked all India, he is to be subjected to a new penalty? To what penalty?—Why, to no less than the confiscation of all his revenues. But this is to end with the war, and they are to be faithfully returned?—Oh! no, nothing like it. The country is to remain under confiscation until all the debt which the company shall think fit to incur in such war shall be discharged; that is to say, for ever. His sole comfort is to find his old enemy, the nabob of Arcot, placed in the very same condition.

The revenues of that miserable country were, before the invasion of Hyder, reduced to a *gross* annual receipt of three hundred and sixty thousand pounds. From this receipt the subsidy I have just stated is taken. This again, by payments in advance, by extorting deposits of additional sums to a vast amount for the benefit of their soucars, and by an endless variety of other extortions, public and private, is loaded with a debt, the amount of which I never could ascertain, but which is large undoubtedly, generating an usury the most completely ruinous that probably was ever heard of; *that is, forty-eight per cent. payable monthly, with compound interest.*

Such is the state to which the company's servants have reduced that country. Now come the reformers, restorers, and comforters of India. What have they done? In addition to all these tyrannous exactions with all these ruinous debts in their train, looking to one side of an agreement whilst they wilfully shut their eyes to the other, they withdraw from Tanjore all the benefits of the treaty of 1762, and they subject that nation to a perpetual tribute of forty thousand a year to the nabob of Arcot; a tribute never due, or pretended to be due, to *him*, even when he appeared to be something; a tribute, as things now stand, not to a real potentate, but to a shadow, a dream, an incubus of oppression. After the company has accepted in subsidy, in grant of territory, in remission of rent, as a compensation for their own protection, at least two hundred

thousand pounds a year, without discounting a shilling for that receipt, the ministers condemn this harassed nation to be tributary to a person who is himself, by their own arrangement, deprived of the right of war or peace; deprived of the power of the sword; forbid to keep up a single regiment of soldiers; and is therefore wholly disabled from all protection of the country which is the object of the pretended tribute. Tribute hangs on the sword. It is an incident inseparable from real, sovereign power. In the present case to suppose its existence is as absurd as it is cruel and oppressive. And here, Mr. Speaker, you have a clear exemplification of the use of those false names, and false colours, which the gentlemen who have lately taken possession of India choose to lay on for the purpose of disguising their plan of oppression. The nabob of Arcot, and rajah of Tanjore, have, in truth and substance, no more than a merely civil authority, held in the most entire dependence on the company. The nabob, without military, without federal capacity, is extinguished as a potentate; but then is carefully kept alive as an independent and sovereign power, for the purpose of rapine and extortion; for the purpose of perpetuating the old intrigues, animosities, usuries, and corruptions.

It was not enough that this mockery of tribute was to be continued without the correspondent protection, or any of the stipulated equivalents, but ten years of arrear, to the amount of 400,000*l.* sterling, is added to all the debts to the company, and to individuals, in order to create a new debt, to be paid (if at all possible to be paid in whole or in part) only by new usuries; and all this for the nabob of Arcot, or rather for Mr. Benfield, and the corps of the nabob's creditors and their soucars. Thus these miserable Indian princes are continued in their seats, for no other purpose than to render them in the first instance objects of every species of extortion; and, in the second, to force them to become, for the sake of a momentary shadow of reduced authority, a sort of subordinate tyrants, the ruin and calamity, not the fathers and cherishers of their people.

But take this tribute only as a mere charge (without title, cause, or equivalent) on this people; what one step has been taken to furnish grounds for a just calculation and estimate of the proportion of the burden and the ability? None; not an attempt at it. They do not adapt the burden to the strength; but they estimate the strength of the bearers by the burden they impose. Then what care is taken to leave a fund sufficient to the future reproduction of the revenues that are to bear all these loads? Every one, but tolerably conversant in Indian affairs, must know that the existence of this little kingdom depends on its control over the river Cavery. The benefits of heaven to any community ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of nature, let power and dominion take what course they may.—Observe what has been done with regard to this important concern. The use of this river is indeed at length given to the rajah, and a power provided for its enjoyment *at his own charge;* but the means of furnishing that charge (and a mighty one it is) are wholly cut off. This use of the water, which ought to have no more connexion than clouds, and rains, and sunshine, with the politics of the rajah, the nabob, or the company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics that loudly called for reformation. But the food of a whole people is by the reformers of India conditioned on payments from its prince, at a moment that he is overpowered with a swarm of their demands, without regard to the ability of either prince or people. In fine, by opening an avenue to the irruption of the nabob of Arcot's creditors and soucars, whom every man, who did not fall in love with

oppression and corruption on an experience of the calamities they produced, would have raised wall before wall, and mound before mound, to keep from a possibility of entrance, a more destructive enemy than Hyder Ali is introduced into that kingdom. By this part of their arrangement in which they establish a debt to the nabob of Arcot, in effect and substance, they deliver over Tanjore, bound hand and foot, to Paul Benfield, the old betrayer, insulter, oppressor, and scourge of a country, which has for years been an object of an unremitted, but unhappily an unequal struggle, between the bounties of Providence to renovate, and the wickedness of mankind to destroy.

The right honourable gentleman [1] talks of his fairness in determining the territorial dispute between the nabob of Arcot and the prince of that country, when he superseded the determination of the directors, in whom the law had vested the decision of that controversy. He is in this just as feeble as he is in every other part. But it is not necessary to say a word in refutation of any part of his argument. The mode of the proceeding sufficiently speaks the spirit of it. It is enough to fix his character as a judge that he *never heard the directors in defence of their adjudication, nor either of the parties in support of their respective claims.* It is sufficient for me, that he takes from the rajah of Tanjore by this pretended adjudication, or rather from his unhappy subjects, 40,000*l.* a year of his and their revenue, and leaves upon his and their shoulders all the charges that can be made on the part of the nabob, on the part of his creditors, and on the part of the company, without so much as hearing him as to right or to ability. But what principally induces me to leave the affair of the territorial dispute between the nabob and the rajah to another day, is this, that both the parties being stripped of their all, it little signifies under which of their names the unhappy, undone people are delivered over to the merciless soucars, the allies of that right honourable

[1] Mr. Dundas.

gentleman, and the chancellor of the exchequer. In them ends the account of this long dispute of the nabob of Arcot, and the rajah of Tanjore.

The right honourable gentleman is of opinion, that his judgment in this case can be censured by none but those who seem to act as if they were paid agents to one of the parties. What does he think of his court of directors? If they are paid by either of the parties, by which of them does he think they are paid? He knows that their decision has been directly contrary to this. Shall I believe that it does not enter into his heart to conceive, that any person can steadily and actively interest himself in the protection of the injured and oppressed, without being well paid for his service? I have taken notice of this sort of discourse some days ago, so far as it may be supposed to relate to me. I then contented myself, as I shall now do, with giving it a cold, though a very direct contradiction. Thus much I do from respect to truth. If I did more, it might be supposed, by my anxiety to clear myself, that I had imbibed the ideas, which, for obvious reasons, the right honourable gentleman wishes to have received concerning all attempts to plead the cause of the natives of India, as if it were a disreputable employment. If he had not forgot, in his present occupation, every principal which ought to have guided him, and I hope did guide him, in his late profession, he would have known, that he who takes a fee for pleading the cause of distress against power, and manfully performs the duty he has assumed, receives an honourable recompense for a virtuous service. But if the right honourable gentleman will have no regard to fact in his insinuations, or to reason in his opinions, I wish him at least to consider, that if taking an earnest part with regard to the oppressions exercised in India, and with regard to this most oppressive case of Tanjore in particular, can ground a presumption of interested motives, he is himself the most mercenary man I know. His conduct, indeed, is such that he is on all occasions the standing testimony against himself. He it was that first called to that case the atten-

tion of the House: the reports of his own committee are ample and affecting upon that subject[1]; and as many of us as have escaped his massacre, must remember the very pathetic picture he made of the sufferings of the Tanjore country, on the day when he moved the unwieldy code of his Indian resolutions. Has he not stated over and over again, in his reports, the ill treatment of the rajah of Tanjore (a branch of the royal house of the Marattas, every injury to whom the Marattas felt as offered to themselves) as a main cause of the alienation of that people from the British power? And does he now think, that to betray his principles, to contradict his declarations, and to become himself an active instrument in those oppressions which he had so tragically lamented, in the way to clear himself of having been actuated by a pecuniary interest, at the time when he chose to appear full of tenderness to that ruined nation?

The right honourable gentleman is fond of parading on the motives of others, and on his own. As to himself, he despises the imputations of those who suppose that any thing corrupt could influence him in this his unexampled liberality of the public treasure. I do not know that I am obliged to speak to the motives of ministry, in the arrangements they have made of the pretended debts of Arcot and Tanjore. If I prove fraud and collusion with regard to public money on those right honourable gentlemen, I am not obliged to assign their motives; because no good motives can be pleaded in favour of their conduct. Upon that case I stand; we are at issue; and I desire to go to trial. This, I am sure, is not loose railing, or mean insinuation, according to their low and degenerate fashion, when they make attacks on the measures of their adversaries. It is a regular and juridical course; and, unless I choose it, nothing can compel me to go further.

But since these unhappy gentlemen have dared to hold a lofty tone about their motives, and affect to despise suspicion, instead of being careful not to give

[1] See Report 4, Committee of Secresy, pp. 73 and 74.

cause for it, I shall beg leave to lay before you some general observations on what, I conceive, was their duty in so delicate a business.

If I were worthy to suggest any line of prudence to that right honourable gentleman, I would tell him, that the way to avoid suspicion in the settlement of pecuniary transactions, in which great frauds have been very strongly presumed, is, to attend to these few plain principles:—First, to hear all parties equally, and not the managers for the suspected claimants only.—Not to proceed in the dark; but to act with as much publicity as possible.—Not to precipitate decision.—To be religious in following the rules prescribed in the commission under which we act. And, lastly, and above all, not to be fond of straining constructions, to force a jurisdiction, and to draw to ourselves the management of a trust in its nature invidious and obnoxious to suspicion, where the plainest letter of the law does not compel it. If these few plain rules are observed, no corruption ought to be suspected; if any of them are violated, suspicion will attach in proportion. If all of them are violated, a corrupt motive of some kind or other will not only be suspected, but must be violently presumed.

The persons in whose favour all these rules have been violated, and the conduct of ministers towards them, will naturally call for your consideration, and will serve to lead you through a series and combination of facts and characters, if I do not mistake, into the very inmost recesses of this mysterious business. You will then be in possession of all the materials on which the principles of sound jurisprudence will found, or will reject, the presumption of corrupt motives; or, if such motives are indicated, will point out to you of what particular nature the corruption is.

Our wonderful minister, as you all know, formed a new plan, a plan, *insigne recens indictum ore alio*, a plan for supporting the freedom of our constitution by court intrigues, and for removing its corruptions by Indian delinquency. To carry that bold, paradoxical design into

execution, sufficient funds and apt instruments became necessary. You are perfectly sensible that a parliamentary reform occupies his thoughts day and night, as an essential member in this extraordinary project. In his anxious researches upon this subject, natural instinct, as well as sound policy, would direct his eyes, and settle his choice on Paul Benfield. Paul Benfield is the grand parliamentary reformer, the reformer to whom the whole choir of reformers bow, and to whom even the right honourable gentleman himself must yield the palm: for what region in the empire, what city, what borough, what county, what tribunal in this kingdom, is not full of his labours? Others have been only speculators; he is the grand practical reformer; and whilst the chancellor of the exchequer pledges in vain the man and the minister, to increase the provincial members, Mr. Benfield has auspiciously and practically begun it. Leaving far behind him even Lord Camelford's generous design of bestowing Old Sarum on the Bank of England, Mr. Benfield has thrown in the borough of Cricklade to reinforce the county representation. Not content with this, in order to station a steady phalanx for all future reforms, this public-spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor, rotten constitution of his native country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this House, to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach, some other Houses, but with real, solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the last parliament. What copious streams of pure blood must he not have transfused into the veins of the present!

But what is even more striking than the real services of this new-imported patriot, is his modesty. As soon as he had conferred this benefit on the constitution, he withdrew himself from our applause. He conceived that the duties of a member of parliament (which with the elect faithful, the true believers, the *Islam* of parlia-

mentary reform, are of little or no merit, perhaps not much better than specious sins) might be as well attended to in India as in England, and the means of reformation to parliament itself be far better provided. Mr. Benfield was therefore no sooner elected than he set off for Madras, and defrauded the longing eyes of parliament. We have never enjoyed in this House the luxury of beholding that minion of the human race, and contemplating that visage, which has so long reflected the happiness of nations.

It was therefore not possible for the minister to consult personally with this great man. What then was he to do? Through a sagacity that never failed him in these pursuits, he found out, in Mr. Benfield's representative, his exact resemblance. A specific attraction, by which he gravitates towards all such characters, soon brought our minister into a close connexion with Mr. Benfield's agent and attorney; that is, with the grand contractor (whom I name to honour) Mr. Richard Atkinson; a name that will be well remembered as long as the records of this House, as long as the records of the British treasury, as long as the monumental debt of England, shall endure.

This gentleman, sir, acts as attorney for Mr. Paul Benfield. Every one who hears me is well acquainted with the sacred friendship, and the steady, mutual attachment that subsists between him and the present minister. As many members as chose to attend in the first session of this parliament, can best tell their own feelings at the scenes which were then acted. How much that honourable gentleman was consulted in the original frame and fabric of the bill, commonly called Mr. Pitt's India bill, is matter only of conjecture; though by no means difficult to divine. But the public was an indignant witness of the ostentation with which the measure was made his own, and the authority with which he brought up clause after clause, to stuff and fatten the rankness of that corrupt act. As fast as the clauses were brought up to the table they were accepted. No hesitation; no discussion. They were received by

the new minister, not with approbation, but with implicit submission. The reformation may be estimated by seeing who was the reformer. Paul Benfield's associate and agent was held up to the world as legislator of Hindostan. But it was necessary to authenticate the coalition between the men of intrigue in India, and the minister of intrigue in England, by a studied display of the power of this their connecting link. Every trust, every honour, every distinction, was to be heaped upon him. He was at once made a director of the India Campany; made an alderman of London; and to be made, if ministry could prevail (and I am sorry to say how near, how very near, they were prevailing), representative of the capital of this kingdom. But to secure his services against all risk, he was brought in for a ministerial borough. On his part, he was not wanting in zeal for the common cause. His advertisements show his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember, that in the same virtuous cause he submitted to keep a sort of public office or counting-house, where the whole business of the last general election was managed. It was openly managed by the direct agent and attorney of Benfield. It was managed upon Indian principles, and for an Indian interest. This was the golden cup of abominations; this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous eastern harlot; which so many of the people, so many of the nobles, of this land had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness and national prostitution? Here! you have it here before you. The principal of the grand election manager must be indemnified; accordingly the claims of Benfield and his crew must be put above all inquiry.

For several years, Benfield appeared as the chief proprietor, as well as the chief agent, director, and con-

troller of this system of debt. The worthy chairman of the company has stated the claims of this single gentleman on the nabob of Arcot, as amounting to five hundred thousand pounds[1]. Possibly at the time of the chairman's state they might have been as high. Eight hundred thousand pounds had been mentioned some time before[2]; and, according to the practice of shifting the names of creditors in these transactions, and reducing or raising the debt itself at pleasure, I think it not impossible, that, at one period, the name of Benfield might have stood before those frightful figures. But my best information goes to fix his share no higher than four hundred thousand pounds. By the scheme of the present ministry for adding to the principal twelve per cent. from the year 1777 to the year 1781, four hundred thousand pounds, that smallest of the sums ever mentioned for Mr. Benfield, will form a capital of 592,000*l.* at six per cent. Thus, besides the arrears of three years, amounting to 106,500*l.* (which, as fast as received, may be legally lent out at twelve per cent.), Benfield has received, by the ministerial grant before, an annuity of 35,520*l.* a year, charged on the public revenues.

Our mirror of ministers of finance did not think this enough for the services of such a friend as Benfield. He found that Lord Macartney, in order to frighten the court of directors from the project of obliging the nabob to give soucar security for his debt, assured them, that, if they should take that step, Benfield would infallibly be the soucar, and would thereby become the entire master of the Carnatic. What Lord Macartney thought sufficient to deter the very agents and partakers with Benfield in his iniquities, was the inducement to the two right honourable gentlemen to order this very soucar security to be given, and to recall Benfield to the city of Madras, from the sort of decent exile into which he had been relegated by Lord Macartney. You must

[1] Mr. Smith's protest.
[2] Madras correspondence on this subject.

therefore consider Benfield as soucar security for 480,000*l.* a year, which at twenty-four per cent. (supposing him contented with that profit) will, with the interest of his old debt, produce an annual income of 149,520*l.* a year.

Here is a specimen of the new and pure asistocracy created by the right honourable gentleman[1], as the support of the crown and constitution, against the old corrupt, refractory, natural interests of this kingdom; and this is the grand counterpoise against all odious coalitions of these interests. A single Benfield outweighs them all: a criminal, who long since ought to have fattened the region kites with his offal, is, by his majesty's ministers, enthroned in the government of a great kingdom, and enfeoffed with an estate, which in the comparison effaces the splendour of all the nobility of Europe. To bring a little more distinctly into view the true secret of this dark transaction, I beg you particularly to advert to the circumstances which I am going to place before you.

The general corps of creditors, as well as Mr. Benfield himself, not looking well into futurity, nor presaging the minister of this day, thought it not expedient for their common interest, that such a name as his should stand at the head of their list. It was therefore agreed amongst them, that Mr. Benfield should disappear by making over his debt to Messrs. Taylor, Majendie, and Call, and should in return be secured by their bond.

The debt thus exonerated of so great a weight of its odium, and otherwise reduced from its alarming bulk, the agents thought they might venture to print a list of the creditors. This was done for the first time in the year 1783, during the Duke of Portland's administration. In this list the name of Benfield was not to be seen. To this strong negative testimony was added the further testimony of the nabob of Arcot. The prince (or rather Mr. Benfield for him) writes to the court of

[1] The Right Honourable William Pitt.

directors a letter[1] full of complaints and accusations against Lord Macartney, conveyed in such terms as were natural for one of Mr. Benfield's habits and education to employ. Amongst the rest he is made to complain of his lordship's endeavouring to prevent an intercourse of politeness and sentiment between him and Mr. Benfield; and, to aggravate the affront, he expressly declares Mr. Benfield's visits to be only on account of respect and of gratitude, as no pecuniary transaction subsisted between them.

Such, for a considerable space of time, was the outward form of the loan of 1777, in which Mr. Benfield had no sort of concern. At length intelligence arrived at Madras, that this debt, which had always been renounced by the court of directors, was rather likely to become a subject of something more like a criminal inquiry, than of any patronage or sanction from parliament. Every ship brought accounts, one stronger than the other, of the prevalence of the determined enemies of the Indian system. The public revenues became an object desperate to the hopes of Mr. Benfield; he therefore resolved to fall upon his associates, and, in violation of that faith which subsists among those who have abandoned all other, commences a suit in the mayor's court against Taylor, Majendie, and Call, for the bond given to him, when he agreed to disappear for his own benefit as well as that of the common concern. The assignees of his debt, who little expected the springing of this mine, even from such an engineer as Mr. Benfield, after recovering their first alarm, thought it best to take ground on the real state of the transaction. They divulged the whole mystery, and were prepared to plead that they had never received from Mr. Benfield any

[1] Dated 13th October. For further illustration of the style in which these letters were written, and the principles on which they proceed, see letters from the nabob to the court of directors, dated August 16th, and September 7th, 1783, delivered by Mr. James Macpherson, minister to the nabob, January 14th, 1784.

other consideration for the bond, than a transfer, in trust for himself, of his demand on the nabob of Arcot. An universal indignation arose against the perfidy of Mr. Benfield's proceeding; the event of the suit was looked upon as so certain, that Benfield was compelled to retreat as precipitately as he had advanced boldly; he gave up his bond, and was reinstated in his original demand, to wait the fortune of other claimants. At that time, and at Madras, this hope was dull indeed, but at home another scene was preparing.

It was long before any public account of this discovery at Madras had arrived in England, that the present minister and his board of control thought fit to determine on the debt of 1777. The recorded proceedings at this time knew nothing of any debt to Benfield. There was his own testimony, there was the testimony of the list, there was the testimony of the nabob of Arcot, against it. Yet such was the minister's feeling of the true state of this transaction, that they thought proper, in the teeth of all these testimonies, to give him licence to return to Madras. Here the ministers were under some embarrassment. Confounded between their resolution of rewarding the good services of Benfield's friends and associates in England, and the shame of sending that notorious incendiary to the court of the nabob of Arcot, to renew his intrigues against the British government, at the time they authorize his return, they forbid him, under the severest penalties, from any conversation with the nabob or his ministers; that is, they forbid his communication with the very person on account of his dealings with whom they permit his return to that city. To overtop this contradiction, there is not a word restraining him from the freest intercourse with the nabob's second son, the real author of all that is done in the nabob's name; who, in conjunction with this very Benfield, has acquired an absolute dominion over that unhappy man, is able to persuade him to put his signature to whatever paper they please, and often without any communication of the contents. This management was detailed to them at

full length by Lord Macartney, and they cannot pretend ignorance of it.

I believe, after this exposure of facts, no man can entertain a doubt of the collusion of ministers with the corrupt interest of the delinquents in India. Whenever those in authority provide for the interest of any person, on the real but concealed state of his affairs, without regard to his avowed, public, and ostensible pretences, it must be presumed that they are in confederacy with him, because they act for him on the same fraudulent principles on which he acts for himself. It is plain, that the ministers were fully apprized of Benfield's real situation, which he had used means to conceal, whilst concealment answered his purposes. They were, or the person on whom they relied was, of the cabinet council of Benfield, in the very depth of all his mysteries. An honest magistrate compels men to abide by one story. An equitable judge would not hear of the claim of a man who had himself thought proper to renounce it. With such a judge his shuffling and prevarication would have damned his claims; such a judge never would have known, but in order to animadvert upon proceedings of that character.

I have thus laid before you, Mr. Speaker, I think with sufficient clearness, the connexion of the ministers with Mr. Atkinson at the general election; I have laid open to you the connexion of Atkinson with Benfield; I have shown Benfield's employment of his wealth, in creating a parliamentary interest, to procure a ministerial protection; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye, and the liberal protection which he has received from the minister. If this chain of circumstances does not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connexions to his ambition, I do not know any thing short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such

combination and comparison is to reject the only means of detecting fraud; it is indeed to give it a patent and free licence to cheat with impunity.

I confine myself to the connexion of ministers, mediately or immediately, with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the reports of the select committee for the proceedings of some of the agents in these affairs, and their attempts, at least, to furnish ministers with the means of buying general courts, and even whole parliaments, in the gross[1].

I know that the ministers will think it little less than acquittal, that they are not charged with having taken to themselves some part of the money of which they have made so liberal a donation to their partisans, though the charge may be indisputably fixed upon the corruption of their politics. For my part, I follow their crimes to that point to which legal presumptions and natural indications lead me, without considering what species of evil motive tends most to aggravate or to extenuate the guilt of their conduct. But if I am to speak my private sentiments, I think that in a thousand cases for one it would be far less mischievous to the public, and full as little dishonourable to themselves, to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. It is by bribing, not so often by being bribed, that wicked politicians bring ruin on mankind. Avarice is a rival to the pursuits of many. It finds a multitude of checks, and many opposers, in every walk of life. But the objects of ambition are for the few; and every person who aims at indirect profit, and therefore wants other protection than innocence and law, instead of its rival becomes its instrument. There is a natural allegiance and fealty due to this domineering,

[1] Second Report of Select (General Smith's) Committee.

paramount evil, from all the vassal vices, which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone that avarice is able to spread to any considerable extent, or to render itself a general, public mischief. It is therefore no apology for ministers, that they have not been bought by the East India delinquents, but that they have only formed an alliance with them for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident; and the junction of the power of office in England with the abuse of authority in the East has not only prevented even the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honour, the candour, the generosity, the good nature, which used formerly to characterize the people of England. I confess, I wish that some more feeling than I have yet observed for the sufferings of our fellow-creatures and fellow-subjects in that oppressed part of the world had manifested itself in any one quarter of the kingdom, or in any one large description of men.

That these oppressions exist, is a fact no more denied, than it is resented as it ought to be. Much evil has been done in India under the British authority. What has been done to redress it? We are no longer surprised at any thing. We are above the unlearned and vulgar passion of admiration. But it will astonish posterity, when they read our opinions in our actions, that after years of inquiry, we have found out that the sole grievance of India consisted in this, that the servants of the company there had not profited enough of their opportunities, nor drained it sufficiently of its treasures; when they shall hear that the very first and only important act of a commission specially named by act of parliament is to charge upon an undone country, in favour of a handful of men in the humblest ranks of the public service, the enormous sum of perhaps four millions of sterling money.

It is difficult for the most wise and upright govern-

ment to correct the abuses of remote, delegated power, productive of unmeasured wealth, and protected by the boldness and strength of the same ill-got riches. These abuses, full of their own wild native vigour, will grow and flourish under mere neglect. But where the supreme authority, not content with winking at the rapacity of its inferior instruments, is so shameless and corrupt as openly to give bounties and premiums for disobedience to its laws, when it will not trust to the activity of avarice in the pursuit of its own gains, when it secures public robbery by all the careful jealousy and attention with which it ought to protect property from such violence, the commonwealth then is become totally perverted from its purposes; neither God nor man will long endure it; nor will it long endure itself. In that case, there is an unnatural infection, a pestilential taint fermenting in the constitution of society, which fever and convulsions of some kind or other must throw off; or in which the vital powers, worsted in an unequal struggle, are pushed back upon themselves, and, by a reversal of their whole functions, fester to gangrene, to death; and, instead of what was but just now the delight and boast of the creation, there will be cast out in the face of the sun, a bloated, putrid, noisome carcase, full of stench and poison, an offence, a horror, a lesson to the world.

In my opinion, we ought not to wait for the fruitless instruction of calamity to inquire into the abuses which bring upon us ruin in the worst of its forms, in the loss of our fame and virtue. But the right honourable gentleman[1] says, in answer to all the powerful arguments of my honourable friend—'that this inquiry is of a delicate nature, and that the state will suffer detriment by the exposure of this transaction.' But it is exposed; it is perfectly known in every member, in every particle, and in every way, except that which may lead to a remedy. He knows that the papers of correspondence are printed, and that they are in every hand.

[1] Mr. Dundas.

He and delicacy are a rare and singular coalition. He thinks that to divulge our Indian politics, may be highly dangerous. He! the mover! the chairman! the reporter of the committee of secresy! he that brought forth in the utmost detail, in several vast, printed folios, the most recondite parts of the politics, the military, the revenues of the British empire in India! With six great chopping bastards[1] each as lusty as an infant Hercules, this delicate creature blushes at the sight of his new bridegroom, assumes a virgin delicacy; or, to use a more fit, as well as a more poetic comparison, the person so squeamish, so timid, so trembling lest the winds of heaven should visit too roughly, is expanded to broad sunshine, exposed like the sow of imperial augury, lying in the mud with all the prodigies of her fertility about her, as evidence of her delicate amours—*triginta capitum fœtus enixa jacebat, alba solo recubans albi circum ubera nati.*

Whilst discovery of the misgovernment of others led to his own power, it was wise to inquire; it was safe to publish; there was then no delicacy; there was then no danger. But when his object is obtained, and in his imitation he has outdone the crimes that he had reprobated in columns of reports, and in sheets of bills of pains and penalties, then concealment becomes prudence; and it concerns the safety of the state, that we should not know, in a mode of parliamentary cognizance, what all the world knows but too well, that is, in what manner he chooses to dispose of the public revenues to the creatures of his politics.

The debate has been long, and as much so on my part, at least, as on the part of those who have spoken before me. But long as it is, the more material half of the subject has hardly been touched on; that is, the corrupt and destructive system to which this debt has been rendered subservient, and which seems to be pursued with at least as much vigour and regularity as ever. If I considered your ease or my own, rather than

[1] Six Reports of the Committee of Secresy.

the weight and importance of this question, I ought to make some apology to you, perhaps some apology to myself, for having detained your attention so long. I know on what ground I tread. This subject, at one time taken up with so much fervour and zeal is no longer a favourite in this House. The House itself has undergone a great and signal revolution. To some the subject is strange and uncouth, to several harsh and distasteful, to the reliques of the last parliament it is a matter of fear and apprehension. It is natural for those who have seen their friends sink in the tornado which raged during the late shift of the monsoon, and have hardly escaped on the planks of the general wreck, it is but too natural for them, as soon as they make the rocks and quieksands of their former disasters, to put about their new-built barks, and, as much as possible, to keep aloof from this perilous lee shore.

But let us do what we please to put India from our thoughts, we can do nothing to separate it from our public interest and our national reputation. Our attempts to banish this importunate duty will only make it return upon us again and again, and every time in a shape more unpleasant than the former. A government has been fabricated for that great province; the right honourable gentleman says, that therefore you ought not to examine into its conduct. Heavens! what an argument is this! We are not to examine into the conduct of the direction, because it is an old government: we are not to examine into this board of control, because it is a new one. Then we are only to examine into the conduct of those who have no conduct to account for. Unfortunately the basis of this new government has been laid on old, condemned delinquents, and its superstructure is raised out of persecutors turned into protectors. The event has been such as might be expected. But if it had been otherwise constituted, had it been constituted even as I wished, and as the mover of this question had planned, the better part of the proposed establishment was in the publicity of its proceedings: in its perpetual responsi-

bility to parliament. Without this check, what is our European government at home, even awed, as every European government is, by an audience formed of the other states of Europe, by the applause or condemnation of the discerning and critical company before which it acts? But if the scene on the other side of the globe, which tempts, invites, almost compels, to tyranny and rapine, be not inspected with the eye of a severe and unremitting vigilance, shame and destruction must ensue. For one, the worst event of this day, though it may deject, shall not break or subdue me. The call upon us is authoritative. Let who will shrink back, I shall be found at my post. Baffled, discountenanced, subdued, discredited, as the cause of justice and humanity is, it will be only the dearer to me. Whoever therefore shall at any time bring before you anything towards the relief of our distressed fellow-citizens in India, and towards a subversion of the present most corrupt and oppressive system for its government, in me shall find a weak, I am afraid, but a steady, earnest, and faithful assistant.

SUBSTANCE OF THE SPEECH,

IN THE DEBATE

ON THE ARMY ESTIMATES

IN THE HOUSE OF COMMONS,

ON TUESDAY, THE 9TH DAY OF FEBRUARY, 1790;

COMPREHENDING

A DISCUSSION OF THE PRESENT SITUATION OF AFFAIRS IN FRANCE.

SUBSTANCE OF THE SPEECH

ON THE ARMY ESTIMATES,

1790.

Mr. Burke's speech on the report of the army estimates has not been correctly stated in some of the public papers. It is of consequence to him not to be misunderstood. The matter which incidentally came into discussion is of the most serious importance. It is thought that the heads and substance of the speech will answer the purpose sufficiently. If in making the abstract, through defect of memory, in the person who now gives it, any difference at all should be perceived from the speech as it was spoken, it will not, the editor imagines, be found in any thing which may amount to a retraction of the opinions he then maintained, or to any softening in the expressions in which they were conveyed.

Mr. Burke spoke a considerable time in answer to various arguments which had been insisted upon by Mr. Grenville and Mr. Pitt, for keeping an increased peace establishment, and against an improper jealousy of the ministers, in whom a full confidence, subject to responsibility, ought to be placed on account of their knowledge of the real situation of affairs; the exact state of which it frequently happened that they could not disclose, without violating the constitutional and political secresy, necessary to the well-being of their country.

Mr. Burke said in substance, That confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in a House of

Commons, of all public vices, the most tolerable; especially where the number and the charge of standing armies, in time of peace, was the question.

That in the annual mutiny bill, the annual army was declared to be for the purpose of preserving the balance of power in Europe. The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace establishments demanded of parliament agreed with the manifest appearance of the balance; confidence in ministers, as to the particulars, would be very proper. If the increase was not at all supported by any such appearance; he thought great jealousy might be, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained; nor that any other foreign powers than our own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object in all considerations concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France is, at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she could ever appear in it again, as a leading power, was not easy to determine; but at present he considered France as not politically existing; and most assuredly it would take her much time to restore her to her former active existence—*Gallos quoque in bellis floruisse audivimus*, might possibly be the language of the rising generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the symptoms of her recovery.

That it was to her *strength*, not to her *form of government* that we were to attend; because republics, as well as monarchies, were susceptible of ambition, jealousy, and anger, the usual causes of war.

But if, while France continued in this swoon, we

should go on increasing our expenses, we should certainly make ourselves less a match for her when it became our concern to arm.

It was said, that as she had speedily fallen, she might speedily rise again. He doubted this. That the fall from a height was an accelerated velocity; but to lift a weight up to that height again was difficult, and opposed by the laws of physical and political gravitation.

In a political view, France was low indeed. She had lost every thing, even to her name.

'Jacet ingens littore truncus,
Avolsumque humeris *caput*, et sine *nomine* corpus:[1]'

He was astonished at it—he was alarmed at it—he trembled at the uncertainty of all human greatness.

Since the House had been prorogued in the summer much work was done in France. The French had shown themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time they had completely pulled down to the ground their monarchy, their church, their nobility, their law, their revenue, their army, their navy, their commerce, their arts, and their manufactures. They had done their business for us as rivals, in a way in which twenty Ramilies or Blenheims could never have done it. Were we absolute conquerors, and France to lie prostrate at our feet, we should be ashamed to send a commission to settle their affairs, which could impose so hard a law upon the French, and so destructive of all their consequence as a nation, as that they had imposed on themselves.

[1] Mr. Burke, probably, had in his mind the remainder of the passage, and was filled with some congenial apprehensions:

'Hæc finis Priami fatorum; hic exitus illum
Sorte tulit, Trojam incensam, et prolapsa videntem
Pergama; tot quondam populis, terrisque, superbum
Regnatorem Asiæ. Jacet ingens littore truncus,
Avolsumque humeris caput, et sine nomine corpus.
At me tum primum sævus circumstetit horror;
Obstupui: *subiit chari genitoris imago.*'

France, by the mere circumstance of its vicinity, had been, and in a degree always must be, an object of our vigilance, either with regard to her actual power, or to her influence and example. As to the former, he had spoken; as to the latter (her example) he should say a few words: for by this example our friendship and our intercourse with that nation had once been, and might again become, more dangerous to us than their worst hostility.

In the last century, Louis XIV. had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendour, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in government, nothing better than a painted and gilded tyranny; in religion, a hard, stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its government. The same character of despotism insinuated itself into every court of Europe—the same spirit of disproportioned magnificence—the same love of standing armies, above the ability of the people. In particular, our then sovereigns, King Charles and King James, fell in love with the government of their neighbour, so flattering to the pride of kings. A similarity of sentiments brought on connexions equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the throne. The admiration of a government flourishing and successful, unchecked in its operations, and seeming therefore to compass its objects more speedily and effectually, gained something upon all ranks of people. The good patriots of that day, however, struggled against it. They sought nothing more anxiously than to break off all communications with France, and to beget a total alienation from its councils and its example; which, by the animosity prevalent between the abettors of their religious system and the assertors of ours, was, in some degree, effected.

This day the evil is totally changed in France: but there is an evil there. The disease is altered; but the vicinity of the two countries remains; and the natural mental habits of mankind are such, that the present distemper of France is far more likely to be contagious than the old one; for it is not quite easy to spread a passion for servitude among the people; but in all evils of the opposite kind our natural inclinations are flattered. In the case of despotism there is the *fœdum crimen servitutis;* in the last the *falsa* species *libertatis;* and accordingly, as the historian says, *pronis auribus accipitur.*

In the last age we were in danger of being entangled by the example of France in the net of a relentless despotism. It is not necessary to say any thing upon that example. It exists no longer. Our present danger from the example of a people, whose character knows no medium, is, with regard to government, a danger from anarchy; a danger of being led, through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating, plundering, ferocious, bloody and tyrannical democracy. On the side of religion, the danger of their example is no longer from intolerance, but from atheism; a foul, unnatural vice, foe to all the dignity and consolation of mankind; which seems in France, for a long time, to have been embodied into a faction, accredited, and almost avowed.

These are our present dangers from France: but, in his opinion, the very worst part of the example set, is in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement, of their military.

He was sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed of opinion that the objection from standing armies was at all lessened by it. He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, liberty. That it was with a pain inexpressible he was obliged

to have even the shadow of a difference with his friend, whose authority would always be great with him, and with all thinking people—*Quæ maxima semper censetur nobis, et* erit *quæ maxima semper*—his confidence in Mr. Fox was such, and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding doubles his own. He who profits of a superior understanding raises his power to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and he wished, as amongst the greatest benefits he could wish the country, an eminent share of the power to that right honourable gentleman; because he knew, that, to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme; of a temper mild and placable even to a fault; without one drop of gall in his whole constitution.

That the House must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shown a strong disposition to recommend an imitation of the French spirit of reform. He was so strongly opposed to any the least tendency towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measures (he was far, very far, from believing they could), he would abandon his best friends, and join with his worst enemies to oppose either the means or the end; and to resist all violent exertions of the spirit of innovation,

so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them.

That he was no enemy to reformation. Almost every business in which he was much concerned, from the first day he sat in that House to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute book. In his opinion, any thing which unnecessarily tore to pieces the contexture of the state, not only prevented all real reformation, but introduced evils which would call, but perhaps call in vain, for new reformation.

That he thought the French nation very unwise. What they valued themselves on, was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) in making a revolution; as if revolutions were good things in themselves. All the horrors, and all the crimes of the anarchy which led to their revolution, which attend its progress, and which may virtually attend it in its establishment, pass for nothing with the lovers of revolutions. The French have made their way, through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the states met in separate orders. Their business, had they been either virtuous or wise, or had they been left to their own judgment, was to secure the stability and independence of the states, according to those orders, under the monarch on the throne. It was then their duty to redress grievances.

Instead of redressing grievances, and improving the fabric of their state, to which they were called by their monarch, and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which served to fix the state, and to give it a steady direction; and which furnish sure correctives to any violent spirit which may

prevail in any of the orders. These balances existed in their oldest constitution; and in the constitution of this country; and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, and with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the Church. They made and recorded a sort of *institute* and *digest* of anarchy, called the rights of man, in such a pedantic abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantic in them; as by their name and authority they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people. By this mad declaration they subverted the state; and brought on such calamities as no country, without a long war, has ever been known to suffer; and which may in the end produce such a war, and perhaps, many such.

With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of freedom. Freedom, and a better security for freedom than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves headlong into those calamities, to prevent themselves from settling into that constitution, or into any thing resembling it.

That if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, in a country circumstanced like France, they will establish a very bad government—a very bad species of tyranny.

That the worst effect of all their proceeding was on

their military, which was rendered an army for every purpose but that of defence. That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though, as it is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where the abstract principle was clothed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens; but base hireling mutineers, and mercenary sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit, from the evils of which a democracy itself was to be resorted to, by those who were the least disposed to that form, as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connexions, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the House to consider, how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title-deeds brought out and burned before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this, that, without any fault of theirs, they

were born gentlemen and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop was '*à l'Aristocrate*,' by which senseless, bloody cry, they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and to their power disgracing almost every name, by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution. An armed, disciplined body is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are, in the latter case, neither good citizens nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettifoggers, and mutineers, than soldiers[1]. They have set up, to balance their crown army, another army, deriving under another authority, called a municipal army—a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot exist under a divided command. This state of things he thought, in effect, a state of war, or, at best, but a truce instead of peace, in the country.

What a dreadful thing is a standing army for the conduct of the whole or any part of which no man is responsible! In the present state of the French crown army, is the crown responsible for the whole of it? Is there any general who can be responsible for the

[1] They are sworn to obey the king, the nation, and the law.

obedience of a brigade? Any colonel for that of a regiment? Any captain for that of a company? And as to the municipal army, reinforced as it is by the new citizen-deserters, under whose command are they? Have we not seen them, not led by, but dragging their nominal commander with a rope about his neck, when they, or those whom they accompanied, proceeded to the most atrocious acts of treason and murder? Are any of these armies? Are any of these citizens?

We have in such a difficulty as that of fitting a standing army to the state, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority, with a simple (our common) oath of fidelity; and we keep the whole under our annual inspection. This was doing all that could be safely done.

He felt some concern that this strange thing, called a Revolution in France, should be compared with the glorious event commonly called the Revolution in England; and the conduct of the soldiery on that occasion compared with the behaviour of some of the troops of France in the present instance. At that period the Prince of Orange, a prince of the blood-royal in England, was called in by the flower of the English aristocracy to defend its ancient constitution, and not to level all distinctions. To this prince, so invited, the aristocratic leaders who commanded the troops went over with their several corps, in bodies, to the deliverer of their country. Aristocratic leaders brought up the corps of citizens who newly enlisted in this cause. Military obedience changed its object; but military discipline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our Revolution (as it is called) and that of France are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal

monarch attempting arbitrary power—in France it is the case of an arbitrary monarch, beginning, from whatever cause, to legalize his authority. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalized. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shown that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same lords, the same commons, the same corporations, the same electors.

The Church was not impaired. Her estates, her majesty, her splendour, her orders and gradations continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which was her weakness and disgrace. The Church and the State were the same after the Revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the constitution? No! Every thing was done; because we commenced with reparation, not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance, or exposed as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous convulsive moments, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard even of her former self. An era of a more improved

domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country were awakened. England never preserved a firmer countenance, nor a more vigorous arm, to all her enemies, and to all her rivals. Europe under her respired and revived. Every where she appeared as the protector, assertor, or avenger, of liberty. A war was made and supported against fortune itself. The treaty of Ryswick, which first limited the power of France, was soon after made: the grand alliance very shortly followed, which shook to the foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home, or the internal or external peace of any of its neighbours.

Mr. Burke said he should have felt very unpleasantly if he had not delivered these sentiments. He was near the end of his natural, probably still nearer the end of his political, career; that he was weak and weary; and wished for rest. That he was little disposed to controversies, or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous to attempt any thing by mere struggle. *Turpe senex miles.* That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail, for some years past. That he had, however, his task. He was far from condemning such opposition; on the contrary, he most highly applauded it, where a just occasion existed for it and gentlemen had capacity and vigour to pursue it. Where a great occasion occurred, he was, and, while he continued in parliament, would be amongst the most active and the most earnest; as he hoped he had shown on a late event. With respect to the constitution itself he wished few alterations in it. Happy if he left it not the worse for any share he had taken in its service.

Mr. Fox then rose, and declared, in substance, that so far as regarded the French army, he went no farther than the general principle, by which that army showed itself indisposed to be an instrument in the servitude of their fellow-citizens, but did not enter into the particulars of their conduct. He declared that he did not affect a democracy. That he always thought any of the simple, unbalanced, governments bad; simple monarchy, simple aristocracy, simple democracy; he held them all imperfect or vicious: all were bad by themselves: the composition alone was good. That these had been always his principles, in which he had agreed with his friend Mr. Burke, of whom he said many kind and flattering things, which Mr. Burke, I take it for granted, will know himself too well to think he merits from any thing but Mr. Fox's acknowledged good-nature. Mr. Fox thought, however, that, in many cases, Mr. Burke was rather carried too far by his hatred to innovation.

Mr. Burke said, he well knew that these had been Mr. Fox's invariable opinions; that they were a sure ground for the confidence of his country. But he had been fearful, that cabals of very different intentions would be ready to make use of his great name, against his character and sentiments, in order to derive a credit to their destructive machinations.

Mr. Sheridan then rose, and made a lively and eloquent speech against Mr. Burke; in which, among other things, he said that Mr. Burke had libelled the National Assembly of France, and had cast out reflections on such characters as those of the Marquis de la Fayette and Mr. Bailly.

Mr. Burke said, that he did not libel the National Assembly of France, whom he considered very little in the discussion of these matters. That he thought all the substantial power resided in the republic of Paris, whose authority guided, or whose example was followed by all the republics of France. The republic of Paris had an army under their orders, and not under those of the National Assembly.

N.B. As to the particular gentlemen, I do not remember that Mr. Burke mentioned either of them—certainly not Mr. Bailly. He alluded, undoubtedly, to the case of the Marquis de la Fayette; but whether what he asserted of him be a libel on him, must be left to those who are acquainted with the business.

Mr. Pitt concluded the debate with becoming gravity and dignity, and a reserve on both sides of the question, as related to France, fit for a person in a ministerial situation. He said, that what he had spoken only regarded France when she should unite, which he rather thought she soon might with the liberty she had acquired, the blessings of law and order. He, too, said several civil things concerning the sentiments of Mr. Burke as applied to this country.

FRAGMENTS AND NOTES

OF

SPEECHES

*** During the period of Mr. Burke's Parliamentary labours, some alteration in the Acts of Uniformity, and the Repeal of the Test and Corporation Acts, were agitated at various times in the House of Commons.—It appears from the state of his MS. Papers, that he had designed to publish some of the Speeches which he delivered in those discussions, and with that view had preserved the following Fragments and detached Notes; which are now given to the public with as much order and connexion as their imperfect condition renders them capable of receiving.—The Speeches on the Middlesex Election; on shortening the Duration of Parliaments; on the Reform of the Representation in Parliament; on the Bill for explaining the Power of Juries in Prosecutions for Libels; and on the Repeal of the Marriage Act, were found in the same imperfect state.

SPEECH

On the Petition which was presented to the House of Commons from certain Clergymen of the Church of England, and from certain of the two Professions of Civil Law and Physic, and others, praying to be relieved from Subscription to the Thirty-nine Articles, as required by the Acts of Uniformity [1].

Mr. Speaker,

I should not trouble the House upon this question, if I could at all acquiesce in many of the arguments, or justify the vote I shall give upon several of the reasons which have been urged in favour of it. I should indeed be very much concerned if I were thought to be influenced to that vote by those arguments.

In particular I do most exceedingly condemn all such arguments as involve any kind of reflection on the personal character of the gentlemen who have brought in a petition so decent in the style of it, and so constitutional in the mode. Besides the unimpeachable integrity and piety of many of the promoters of this petition, which render those aspersions as idle as they are unjust, such a way of treating the subject can have no other effect than to turn the attention of the House from the merits of the petition, the only thing properly

[1] The persons associated for this purpose were distinguished at the time by the name of 'The Feathers Tavern Association,' from the place where their meetings were usually held. Their petition was presented on the 6th of February, 1772; and on a motion that it should be brought up, the same was negatived on a division, in which Mr. Burke voted in the majority, by 217 against 71.

before us, and which we are sufficiently competent to decide upon, to the motives of the petitioners, which belong exclusively to the great Searcher of hearts.

We all know that those who loll at their ease in high dignities, whether of the church or of the state, are commonly averse to all reformation. It is hard to persuade them, that there can be any thing amiss in establishments, which by feeling experience they find to be so very comfortable. It is as true that from the same selfish motives those who are struggling upwards are apt to find every thing wrong and out of order. These are truths upon one side and on the other; and neither on the one side or the other in argument are they worth a single farthing. I wish, therefore, so much had not been said upon these ill-chosen, and worse than ill-chosen, these very invidious topics.

I wish still more that the dissensions and animosities, which had slept for a century, had not been just now most unseasonably revived. But if we must be driven, whether we will or not, to recollect these unhappy transactions, let our memory be complete and equitable, let us recollect the whole of them together. If the Dissenters, as an honourable gentleman has described them, have formerly risen from a 'whining, canting, snivelling generation,' to be a body dreadful and ruinous to all our establishments, let him call to mind the follies, the violences, the outrages and persecutions, that conjured up, very blamably, but very naturally, that same spirit of retaliation. Let him recollect, along with the injuries, the services which Dissenters have done to our church and to our state. If they have once destroyed, more than once they have saved them. This is but common justice, which they and all mankind have a right to.

There are, Mr. Speaker, besides these prejudices and animosities, which I would have wholly removed from the debate, things more regularly and argumentatively urged against the petition; which, however, do not at all appear to me conclusive.

First, two honourable gentlemen, one near me, the

other, I think, on the other side of the House, assert that, if you alter her symbols, you destroy the being of the church of England. This, for the sake of the liberty of that church, I must absolutely deny. The church, like every body corporate, may alter her laws without changing her identity. As an independent church, professing fallibility, she has claimed a right of acting without the consent of any other; as a church, she claims, and has always exercised, a right of reforming whatever appeared amiss in her doctrine, her discipline, or her rites. She did so when she shook off the papal supremacy in the reign of Henry VIII, which was an act of the body of the English church, as well as of the state (I don't inquire how obtained). She did so when she twice changed the liturgy in the reign of King Edward, when she then established articles, which were themselves a variation from former professions. She did so, when she cut off three articles from her original forty-two, and reduced them to the present thirty-nine; and she certainly would not lose her corporate identity, nor subvert her fundamental principles, though she were to leave ten of the thirty-nine, which remain, out of any future confession of her faith. She would limit her corporate powers, on the contrary, and she would oppose her fundamental principles, if she were to deny herself the prudential exercise of such capacity of reformation. This, therefore, can be no objection to your receiving the petition.

In the next place, sir, I am clear, that the Act of Union, reciting and ratifying one Scotch and one English act of parliament, has not rendered any change whatsoever in our church impossible, but by a dissolution of the union between the two kingdoms.

The honourable gentleman who has last touched upon that point, has not gone quite so far as the gentlemen who first insisted upon it. However, as none of them wholly abandon that post, it will not be safe to leave it behind me unattacked. I believe no one will wish their interpretation of that act to be considered as authentic. What shall we think of the wisdom (to

say nothing of the competence) of that legislature, which should ordain to itself such a fundamental law at its outset, as to disable itself from executing its own functions; which should prevent it from making any further laws, however wanted, and that too on the most interesting subject that belongs to human society, and where she most frequently wants its interposition; which should fix those fundamental laws, that are for ever to prevent it from adapting itself to its opinions, however clear, or to its own necessities, however urgent? Such an act, Mr. Speaker, would for ever put the church out of its own power; it certainly would put it far above the state, and erect it into that species of independency, which it has been the great principle of our policy to prevent.

The act never meant, I am sure, any such unnatural restraint on the joint legislature it was then forming. History shows us what it meant, and all that it could mean with any degree of common sense.

In the reign of Charles I. a violent and ill-considered attempt was made, unjustly, to establish the platform of the government and the rites of the church of England in Scotland, contrary to the genius and desires of far the majority of that nation. This usurpation excited a most mutinous spirit in that country. It produced that shocking fanatical covenant (I mean the covenant of '36) for forcing their ideas of religion on England, and indeed on all mankind. This became the occasion, at length, of other covenants, and of a Scotch army marching into England to fulfil them; and the parliament of England (for its own purposes) adopted their scheme, took their last covenant, and destroyed the church of England. The parliament, in their ordinance of 1643, expressly assign their desire of conforming to the church of Scotland as a motive for their alteration.

To prevent such violent enterprises on the one side or on the other, since each church was going to be disarmed of a legislature wholly and peculiarly affected to it, and lest this new uniformity in the state should

be urged as a reason and ground of ecclesiastical uniformity, the Act of Union provided that presbytery should continue the Scotch, as episcopacy the English, establishment, and that this separate and mutually independent church-government was to be considered as a part of the union, without aiming at putting the regulation within each church out of its own power, without putting both churches out of the power of the state. It could not mean to forbid us to set any thing ecclesiastical in order, but at the expense of tearing up all foundations, and forfeiting the inestimable benefits (for inestimable they are), which we derive from the happy union of the two kingdoms. To suppose otherwise is to suppose that the act intended we could not meddle at all with the church, but we must as a preliminary destroy the state.

Well then, sir, this is, I hope, satisfactory. The Act of Union does not stand in our way: but sir, gentlemen think we are not competent to the reformation desired, chiefly from our want of theological learning. If we were the legal assembly * * * * *

If ever there was any thing to which, from reason, nature, habit, and principle I am totally averse, it is persecution for conscientious difference in opinion. If these gentlemen complained justly of any compulsion upon them on that article, I would hardly wait for their petitions; as soon as I knew the evil I would haste to the cure; I would even run before their complaints.

I will not enter into the abstract merits of our articles and liturgy—perhaps there are some things in them, which one would wish had not been there.—They are not without the marks and characters of human frailty.

But it is not human frailty and imperfection, and even a considerable degree of them, that becomes a ground for your alteration; for by no alteration will you get rid of those errors, however you may delight yourselves in varying to infinity the fashion of them. But the ground for a legislative alteration of a legal establishment is this, and this only; that you find the inclinations of the majority of the people concurring

with your own sense of the intolerable nature of the abuse, are in favour of a change.

If this be the case in the present instance, certainly you ought to make the alteration that is proposed to satisfy your own consciences, and to give content to your people. But if you have no evidence of this nature, it ill becomes your gravity, on the petition of a few gentlemen, to listen to any thing that tends to shake one of the capital pillars of the state, and alarm the body of your people upon that one ground, in which every hope and fear, every interest, passion, prejudice, every thing which can affect the human breast, are all involved together. If you make this a season for religious alterations, depend upon it you will soon find it a season of religious tumults and religious wars.

These gentlemen complain of hardships. No considerable number shows discontent; but, in order to give satisfaction to any number of respectable men, who come in so decent and constitutional a mode before us, let us examine a little what that hardship is. They want to be preferred clergymen in the church of England, as by law established; but their consciences will not suffer them to conform to the doctrines and practices of that church; that is, they want to be teachers in a church to which they do not belong; and it is an odd sort of hardship. They want to receive the emoluments appropriated for teaching one set of doctrines, whilst they are teaching another. A church, in any legal sense, is only a certain system of religious doctrines and practices, fixed and ascertained by some law; by the difference of which laws different churches (as different commonwealths) are made in various parts of the world; and the establishment is a tax laid by the same sovereign authority for payment of those who so teach and so practise. For no legislature was ever so absurd as to tax its people to support men for teaching and acting as they please; but by some prescribed rule.

The hardship amounts to this, that the people of England are not taxed two shillings in the pound to pay

them for teaching, as divine truths, their own particular fancies. For the state has so taxed the people; and by way of relieving these gentlemen, it would be a cruel hardship on the people to be compelled to pay, from the sweat of their brow, the most heavy of all taxes to men, to condemn as heretical the doctrines which they repute to be orthodox, and to reprobate as superstitious the practices which they use as pious and holy. If a man leaves by will an establishment for preaching, such as Boyle's lectures, or for charity sermons, or funeral sermons, shall any one complain of a hardship because he has an excellent sermon upon matrimony, or on the martyrdom of King Charles, or on the Restoration, which I, the trustee of the establishment, will not pay him for preaching?—S. Jenyns, Origin of Evil. Such is the hardship, which they complain of under the present church establishment, that they have not the power of taxing the people of England for the maintenance of their private opinions.

The laws of toleration provide for every real grievance that these gentlemen can rationally complain of. Are they hindered from professing their belief of what they think to be truth? If they do not like the establishment, there are a hundred different modes of dissent, in which they may teach. But even if they are so unfortunately circumstanced that of all that variety none will please them, they have free liberty to assemble a congregation of their own; and if any persons think their fancies (they may be brilliant imaginations) worth paying for, they are at liberty to maintain them as their clergy, nothing hinders it. But if they cannot get a hundred people together, who will pay for their reading a liturgy after their form, with what face can they insist upon the nation's conforming to their ideas, for no other visible purpose than the enabling them to receive with a good conscience the tenth part of the produce of your lands?

Therefore, beforehand, the constitution has thought proper to take a security that the tax raised on the people shall be applied only to those who profess such

doctrines, and follow such a mode of worship as the legislature, representing the people, has thought most agreeable to their general sense; binding, as usual, the minority, not to an assent to the doctrines, but to a payment of the tax.

But how do you ease and relieve? How do you know, that in making a new door into the church for these gentlemen, you do not drive ten times their number out of it? Supposing the contents and not contents strictly equal in numbers and consequence, the possession, to avoid disturbance, ought to carry it. You displease all the clergy of England now actually in office, for the chance of obliging a score or two, perhaps, of gentlemen, who are, or want to be, beneficed clergymen; and do you oblige? Alter your liturgy, will it please all even of those who wish an alteration? Will they agree in what ought to be altered? And after it is altered to the mind of every one, you are no further advanced than if you had not taken a single step; because a large body of men will then say, you ought to have no liturgy at all. And then these men, who now complain so bitterly that they are shut out, will themselves bar the door against thousands of others. Dissent, not satisfied with toleration, is not conscience, but ambition.

You altered the liturgy for the Directory; this was settled by a set of most learned divines and learned laymen; Selden sat amongst them. Did this please? It was considered upon both sides as a most unchristian imposition. Well, at the Restoration they rejected the Directory, and reformed the Common Prayer, which, by the way, had been three times reformed before. Were they then contented? Two thousand (or some great number) of clergy resigned their livings in one day rather than read it; and truly, rather than raise that second idol, I should have adhered to the Directory as I now adhere to the Common Prayer. Nor can you content other men's conscience, real or pretended, by any concessions: follow your own; seek peace and ensue it. You have no symptoms of discontent in

the people to their establishment. The churches are too small for their congregations. The livings are too few for their candidates. The spirit of religious controversy has slackened by the nature of things: by act you may revive it. I will not enter into the question how much truth is preferable to peace. Perhaps truth may be far better. But as we have scarcely ever the same certainty in the one that we have in the other, I would, unless the truth were evident indeed, hold fast to peace, which has in her company charity, the highest of the virtues.

This business appears in two points of view. 1st. Whether it is a matter of grievance. 2nd. Whether it is within our province to redress it with propriety and prudence. Whether it comes properly before us on a petition upon matter of grievance, I would not inquire too curiously. I know, technically speaking, that nothing agreeable to law can be considered as a grievance. But an over-attention to the rules of any act does sometimes defeat the ends of it, and I think it does so in this parliamentary act, as much at least as in any other. I know many gentlemen think that the very essence of liberty consists in being governed according to law; as if grievances had nothing real and intrinsic; but I cannot be of that opinion. Grievances may subsist by law. Nay, I do not know whether any grievance can be considered as intolerable until it is established and sanctified by law. If the Act of Toleration were not perfect, if there were a complaint of it, I would gladly consent to amend it. But when I heard a complaint of a pressure on religious liberty, to my astonishment I find that there was no complaint whatsoever of the insufficiency of the act of King William, nor any attempt to make it more sufficient. The matter therefore does not concern toleration, but establishment; and it is not the rights of private conscience that are in question, but the propriety of the terms which are proposed by law as a title to public emoluments; so that the complaint is not that there is not toleration of diversity in opinion, but that diversity in opinion is not

rewarded by bishoprics, rectories, and collegiate stalls. When gentlemen complain of the subscription as matter of grievance, the complaint arises from confounding private judgment, whose rights are anterior to law, and the qualifications which the law creates for its own magistracies, whether civil or religious. To take away from men their lives, their liberty, or their property, those things for the protection of which society was introduced, is great hardship and intolerable tyranny; but to annex any condition you please to benefits artificially created, is the most just, natural, and proper thing in the world. When *e novo* you form an arbitrary benefit, an advantage, pre-eminence, or emolument, not by nature, but institution, you order and modify it with all the power of a creator over his creature. Such benefits of institution are royalty, nobility, priesthood; all of which you may limit to birth; you might prescribe even shape and stature. The Jewish priesthood was hereditary. Founders' kinsmen have a preference in the election of fellows in many colleges of our universities; the qualifications at All Souls are, that they should be—*optime nati, bene vestiti, mediocriter docti.*

By contending for liberty in the candidate for orders, you take away the liberty of the elector, which is the people; that is, the state. If they can choose, they may assign a reason for their choice; if they can assign a reason, they may do it in writing, and prescribe it as a condition; they may transfer their authority to their representatives, and enable them to exercise the same. In all human institutions a great part, almost all regulations, are made from the mere necessity of the case, let the theoretical merits of the question be what they will. For nothing happened at the Reformation but what will happen in all such revolutions. When tyranny is extreme, and abuses of government intolerable, men resort to the rights of nature to shake it off. When they have done so, the very same principle of necessity of human affairs, to establish some other authority which shall preserve the order of this new institution, must be obeyed, until they grow intolerable;

and you shall not be suffered to plead original liberty against such an institution. See Holland, Switzerland.

If you will have religion publicly practised and publicly taught, you must have a power to say what that religion will be which you will protect and encourage; and to distinguish it by such marks and characteristics as you in your wisdom shall think fit. As I said before, your determination may be unwise in this as in other matters, but it cannot be unjust, hard or oppressive, or contrary to the liberty of any man, or in the least degree exceeding your province.

It is therefore as a grievance fairly none at all, nothing but what is essential not only to the order, but to the liberty of the whole community.

The petitioners are so sensible of the force of these arguments, that they do admit of one subscription, that is to the Scripture. I shall not consider how forcibly this argument militates with their whole principle against subscription as an usurpation on the rights of Providence: I content myself with submitting to the consideration of the House, that, if that rule were once established, it must have some authority to enforce the obedience; because you well know a law without a sanction will be ridiculous. Somebody must sit in judgment on his conformity; he must judge on the charge; if he judges, he must ordain execution. These things are necessary consequences one of the other; and then this judgment is an equal and a superior violation of private judgment; the right of private judgment is violated in a much greater degree than it can be by any previous subscription. You come round again to subscription, as the best and easiest method; men must judge of his doctrine, and judge definitely; so that either his test is nugatory, or men must first or last prescribe his public interpretation of it.

If the church be, as Mr. Locke defines it, *a voluntary society*, &c., then it is essential to this voluntary society to exclude from her voluntary society any member she thinks fit, or to oppose the entrance of any upon such conditions as she thinks proper. For, otherwise, it

would be a voluntary society acting contrary to her will, which is a contradiction in terms.—And this is Mr. Locke's opinion, the advocate for the largest scheme of ecclesiastical and civil toleration to Protestants (for to Papists he allows no toleration at all).

They dispute only the extent of the subscription; they therefore tacitly admit the equity of the principle itself. Here they do not resort to the original rights of nature, because it is manifest that those rights give as large a power of controverting every part of Scripture, or even the authority of the whole, as they do to the controverting any articles whatsoever. When a man requires you to sign an assent to Scripture, he requires you to assent to a doctrine as contrary to your natural understanding, and to your rights of free inquiry, as those who require your conformity to any one article whatsoever.

The subscription to Scripture is the most astonishing idea I ever heard, and will amount to just nothing at all. Gentlemen so acute have not, that I have heard, ever thought of answering a plain obvious question—What is that Scripture to which they are content to subscribe? They do not think that a book becomes of divine authority because it is bound in blue morocco, and is printed by John Basket and his assigns. The Bible is a vast collection of different treatises: a man who holds the divine authority of one may consider the other as merely human. What is his Canon? The Jewish—St. Jerom's—that of the Thirty-nine Articles—Luther's— ? There are some who reject the Canticles, others six of the Epistles—the Apocalypse has been suspected even as heretical, and was doubted of for many ages, and by many great men. As these narrow the Canon, others have enlarged it by admitting St. Barnabas's Epistles, the Apostolic Constitutions, to say nothing of many other Gospels. Therefore to ascertain Scripture you must have one article more; and you must define what that Scripture is which you mean to teach. There are, I believe, very few who, when Scripture is so ascertained do not see the absolute necessity of knowing what

general doctrine a man draws from it, before he is sent down authorized by the state to teach it as pure doctrine, and receive a tenth of the produce of our lands.

The Scripture is no one summary of doctrines regularly digested, in which a man could not mistake his way; it is a most venerable, but most multifarious, collection of the records of the divine economy; a collection of an infinite variety, of cosmogony, theology, history, prophecy, psalmody, morality, apologue, allegory, legislation, ethics, carried through different books, by different authors, at different ages, for different ends and purposes.

It is necessary to sort out what is intended for example, what only as narrative, what to be understood literally, what figuratively, where one precept is to be controlled and modified by another—what is used directly, and what only as an argument *ad hominem*,—what is temporary, and what of perpetual obligation—what appropriated to one state, and to one set of men, and what the general duty of all Christians. If we do not get some security for this, we not only permit, but we actually pay for, all the dangerous fanaticism which can be produced to corrupt our people, and to derange the public worship of the country. We owe the best we can (not infallibility, but prudence) to the subject, first sound doctrine, then ability to use it. * * * * * * *

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SPEECH[1]

ON THE SECOND READING OF A BILL

FOR THE

RELIEF OF PROTESTANT DISSENTERS[2]

1773

I ASSURE you, sir, that the honourable gentleman who spoke last but one, need not be in the least fear that I should make a war of particles upon his opinion, whether the church of England *should*, *would*, or *ought* to be alarmed. I am very clear that this House has no one reason in the world to think she is alarmed by the bill brought before you. It is something extraordinary that the only symptom of alarm in the church of England should appear in the petition of some Dissenters; with whom, I believe, very few in this House are yet acquainted; and of whom you know no more than that you are assured by the honourable gentleman that they are not Mahometans. Of the church we know they are not by the name that they assume. They are then Dissenters. The first symptom of an alarm comes from

[1] This speech is given partly from the manuscript papers of Mr. Burke, and partly from a very imperfect short-hand note taken at the time by a member of the House of Commons.

[2] This bill was opposed by petitions from several congregations calling themselves 'Protestant Dissenters'; who appear to have been principally composed of the people who are generally known under the denomination of 'Methodists'; and particularly by a petition from a congregation of that description, residing in the town of Chatham.

some Dissenters assembled round the lines of Chatham: these lines become the security of the church of England! The honourable gentleman, in speaking of the lines of Chatham tells us that they serve not only for the security of the wooden walls of England, but for the defence of the church of England. I suspect the wooden walls of England secure the lines of Chatham, rather than the lines of Chatham secure the wooden walls of England.

Sir, the church of England, if only defended by this miserable petition upon your table, must, I am afraid, upon the principles of true fortification, be soon destroyed. But fortunately her walls, bulwarks, and bastions, are constructed of other materials than of stubble and straw; are built up with the strong and stable matter of the gospel of liberty, and founded on a true, constitutional, legal establishment. But, sir, she has other securities; she has the security of her own doctrines; she has the security of the piety, the sanctity of her own professors; their learning is a bulwark to defend her; she has the security of the two universities, not shook in any single battlement, in any single pinnacle.

But the honourable gentleman has mentioned, indeed, principles which astonish me rather more than ever. The honourable gentleman thinks that the Dissenters enjoy a large share of liberty under a connivance; and he thinks that the establishing toleration by law is an attack upon Christianity.

The first of these is a contradiction in terms. Liberty under a connivance! Connivance is a relaxation from slavery, not a definition of liberty. What is connivance but a state under which all slaves live? If I was to describe slavery, I would say with those who *hate* it, it is living under will, not under law: if as it is stated by its advocates, I would say that, like earthquakes, like thunder, or other wars the elements make upon mankind, it happens rarely, it occasionally comes now and then upon people who, upon ordinary occasions, enjoy the same legal government of liberty. Take it

under the description of those who would soften those features, the state of slavery and connivance is the same thing. If the liberty enjoyed be a liberty not of toleration, but of a connivance, the only question is, whether establishing such by law is an attack upon Christianity. Toleration an attack upon Christianity! What then, are we come to this pass, to suppose that nothing can support Christianity but the principles of persecution? Is that, then, the idea of establishment? Is it then the idea of Christianity itself that it ought to have establishments, that it ought to have laws against Dissenters, but the breach of which laws is to be connived at? What a picture of toleration; what a picture of laws, of establishments; what a picture of religious and civil liberty? I am persuaded the honourable gentleman does not see it in this light. But these very terms become the strongest reasons for my support of the bill; for I am persuaded that toleration, so far from being an attack upon Christianity, becomes the best and surest support that possibly can be given to it. The Christian religion itself arose without establishment, it arose even without toleration; and whilst its own principles were not tolerated, it conquered all the powers of darkness, it conquered all the powers of the world. The moment it began to depart from these principles, it converted the establishment into tyranny; it subverted its foundations from that very hour. Zealous as I am for the principle of an establishment, so just an abhorrence do I conceive against whatever may shake it. I know nothing but the supposed necessity of persecution that can make an establishment disgusting. I would have toleration a part of establishment, as a principle favourable to Christianity, and as a part of Christianity.

All seem agreed that the law, as it stands, inflicting penalties on all religious teachers and on schoolmasters, who do not sign the Thirty-nine Articles of Religion, ought not to be executed. We are all agreed that *the law is not good*; for that, I presume, is undoubtedly the idea of a law that ought not to be executed. The

question therefore is, whether in a well-constituted commonwealth, which we desire ours to be thought, and I trust intend that it should be, whether in such a commonwealth it is wise to retain those laws which it is not proper to execute. A penal law, not ordinarily put in execution, seems to me to be a very absurd and a very dangerous thing. For if its principle be right, if the object of its prohibitions and penalties be a real evil, then you do in effect permit that very evil, which not only the reason of the thing, but your very law, declares ought not to be permitted; and thus it reflects exceedingly on the wisdom, and consequently derogates not a little from the authority of a legislature, who can at once forbid and suffer, and in the same breath promulgate penalty and indemnity to the same persons, and for the very same actions. But if the object of the law be no moral or political evil, then you ought not to hold even a terror to those, whom you ought certainly not to punish—for if it is not right to hurt, it is neither right nor wise to menace. Such laws therefore, as they must be defective either in justice or wisdom, or both, so they cannot exist without a considerable degree of danger. Take them which way you will, they are pressed with ugly alternatives.

1st. All penal laws are either upon popular prosecution, or on the part of the crown. Now if they may be roused from their sleep, whenever a minister thinks proper, as instruments of oppression, then they put vast bodies of men into a state of slavery and court dependence; since their liberty of conscience and their power of executing their functions depend entirely on his will. I would have no man derive his means of continuing any function, or his being restrained from it, but from the laws only; they should be his only superior and sovereign lords.

2nd. They put statesmen and magistrates into a habit of playing fast and loose with the laws, straining or relaxing them as may best suit their political purposes; and in that light tend to corrupt the executive power through all its offices.

3rd. If they are taken up on popular actions, their operation in that light also is exceedingly evil. They become the instruments of private malice, private avarice, and not of public regulation; they nourish the worst of men to the prejudice of the best, punishing tender consciences, and rewarding informers.

Shall we, as the honourable gentleman tells us we may with perfect security, trust to the manners of the age? I am well pleased with the general manners of the times; but the desultory execution of penal laws, the thing I condemn, does not depend on the manners of the times. I would, however, have the laws tuned in unison with the manners—very dissonant are a gentle country, and cruel laws; very dissonant, that your reason is furious, but your passions moderate, and that you are always equitable except in your courts of justice.

I will beg leave to state to the House one argument, which has been much relied upon—that the Dissenters are not unanimous upon this business; that many persons are alarmed; that it will create a disunion among the Dissenters.

When any Dissenters, or any body of people, come here with a petition, it is not the number of people, but the reasonableness of the request, that should weigh with the House. A body of Dissenters come to this House, and say, Tolerate us—we desire neither the parochial advantage of tithes, nor dignities, nor the stalls of your cathedrals: no! let the venerable orders of the hierarchy exist with all their advantages. And shall I tell them, I reject your just and reasonable petition, not because it shakes the church, but because there are others, while you lie grovelling upon the earth, that will kick and bite you? Judge which of these descriptions of men comes with a fair request—that which says, sir, I desire liberty for my own, because I trespass on no man's conscience;—or the other, which says, I desire that these men should not be suffered to act according to their consciences, though I am tolerated to act according to mine. But I sign a body

of articles, which is my title to toleration; I sign no more, because more are against my conscience. But I desire that you will not tolerate these men, because they will not go so far as I, though I desire to be tolerated, who will not go so far as you. No, imprison them, if they come within five miles of a corporate town, because they do not believe what I do in point of doctrines.

Shall I not say to these men, *arrangez-vous canaille?* You, who are not the predominant power, will not give to others the relaxation, under which you are yourself suffered to live. I have as high an opinion of the doctrines of the church as you. I receive them implicitly, or I put my own explanation on them, or take that which seems to me to come best recommended by authority. There are those of the Dissenters, who think more rigidly of the doctrine of the articles relative to predestination than others do. They sign the articles relative to it *ex animo*, and literally. Others allow a latitude of construction. These two parties are in the church, as well as among the Dissenters; yet in the church we live quietly under the same roof. I do not see why, as long as Providence gives us no further light into this great mystery, we should not leave things as the Divine Wisdom has left them. But suppose all these things to me to be clear (which Providence however seems to have left obscure), yet whilst Dissenters claim a toleration in things which, seeming clear to me, are obscure to them, without entering into the merit of the articles, with what face can these men say, Tolerate us, but do not tolerate them? Toleration is good for all, or it is good for none.

The discussion this day is not between establishment on one hand, and toleration on the other, but between those who, being tolerated themselves, refuse toleration to others. That power should be puffed up with pride, that authority should degenerate into rigour, if not laudable, is but too natural. But this proceeding of theirs is much beyond the usual allowance to human weakness; it not only is shocking to our reason, but it

provokes our indignation. *Quid domini facient, audent cum talia fures?* It is not the proud prelate thundering in his commission court, but a pack of manumitted slaves with the lash of the beadle flagrant on their backs, and their legs still galled with their fetters, that would drive their brethren into that prison-house from whence they have just been permitted to escape. If, instead of puzzling themselves in the depths of the Divine counsels, they would turn to the mild morality of the Gospel, they would read their own condemnation—'O thou wicked servant, I forgave thee all that debt because thou desiredst me: shouldest not thou also have compassion on thy fellow-servant, even as I had pity on thee?'

In my opinion, sir, a magistrate, whenever he goes to put any restraint upon religious freedom, can only do it upon this ground, that the person dissenting does not dissent from the scruples of ill-informed conscience, but from a party ground of dissension, in order to raise a faction in the state. We give, with regard to rites and ceremonies, an indulgence to tender consciences. But if dissent is at all punished in any country, if at all it can be punished upon any pretence, it is upon a presumption, not that a man is supposed to differ conscientiously from the establishment, but that he resists truth for the sake of faction; that he abets diversity of opinions in religion to distract the state, and to destroy the peace of his country. This is the only plausible, for there is no true, ground of persecution. As the laws stand, therefore, let us see how we have thought fit to act.

If there is any one thing within the competency of a magistrate with regard to religion, it is this, that he has a right to direct the exterior ceremonies of religion; that whilst interior religion is within the jurisdiction of God alone, the external part, bodily action, is within the province of the chief governor. Hooker, and all the great lights of the church, have constantly argued this to be a part within the province of the civil magistrate; but look at the Act of Toleration of William and

Mary, there you will see the civil magistrate has not only dispensed with those things, which are more particularly within his province, with those things which faction might be supposed to take up for the sake of making visible and external divisions, and raising a standard of revolt, but has also from sound politic considerations relaxed on those points which are confessedly without his province.

The honourable gentleman, speaking of the heathens, certainly could not mean to recommend any thing that is derived from that impure source. But he has praised the tolerating spirit of the heathens. Well! but the honourable gentleman will recollect that heathens, that polytheists, must permit a number of divinities. It is the very essence of its constitution. But was it ever heard that polytheism tolerated a dissent from a polytheistic establishment, the belief of one God only? Never, never! sir, they constantly carried on persecution against that doctrine. I will not give heathens the glory of a doctrine which I consider the best part of Christianity. The honourable gentleman must recollect the Roman law, that was clearly against the introduction of any foreign rites in matters of religion. You have it at large in Livy, how they persecuted in the first introduction the rites of Bacchus: and even before Christ, to say nothing of their subsequent persecutions, they persecuted the Druids and others. Heathenism, therefore, as in other respcets erroneous, was erroneous in point of persecution. I do not say every heathen who persecuted was therefore an impious man: I only say he was mistaken, as such a man is now. But, says the honourable gentleman, they did not persecute Epicureans. No; the Epicureans had no quarrel with their religious establishment, nor desired any religion for themselves. It would have been very extraordinary, if irreligious heathens had desired either a religious establishment or toleration. But, says the honourable gentleman, the Epicureans entered, as others, into the temples. They did so; they defied all subscription; they defied all

sorts of conformity; there was no subscription to which they were not ready to set their hands, no ceremonies they refused to practise; they made it a principle of their irreligion outwardly to conform to any religion. These atheists eluded all that you could do; so will all freethinkers for ever. Then you suffer, or the weakness of your law has suffered, those great dangerous animals to escape notice, whilst you have nets that entangle the poor fluttering silken wings of a tender conscience.

The honourable gentleman insists much upon this circumstance of objection, namely, the division amongst the Dissenters. Why, sir, the Dissenters by the nature of the term are open to have a division among themselves. They are Dissenters, because they differ from the church of England; not that they agree among themselves. There are Presbyterians, there are Independents, some that do not agree to infant-baptism, others that do not agree to the baptism of adults, or any baptism. All these are however tolerated under the acts of King William, and subsequent acts; and their diversity of sentiments with one another did not, and could not furnish an argument against their toleration, when their difference with ourselves furnished none.

But, says the honourable gentleman, if you suffer them to go on, they will shake the fundamental principles of Christianity. Let it be considered, that this argument goes as strongly against connivance, which you allow, as against toleration, which you reject. The gentleman sets out with a principle of perfect liberty, or, as he describes it, connivance. But for fear of dangerous opinions, you leave it in your power to vex a man who has not held any one dangerous opinion whatsoever. If one man is a professed atheist, another man the best Christian, but dissents from two of the thirty-nine articles, I may let escape the atheist, because I know him to be an atheist, because I am, perhaps, so inclined myself, and because I may connive where I think proper; but the conscientious

Dissenter, on account of his attachment to that general religion, which perhaps I hate, I shall take care to punish, because I may punish when I think proper. Therefore connivance being an engine of private malice or private favour, not of good government; an engine which totally fails of suppressing atheism, but oppresses conscience; I say that principle becomes not serviceable, but dangerous to Christianity; that it is not toleration but contrary to it, even contrary to peace; that the penal system to which it belongs is a dangerous principle in the economy either of religion or government.

The honourable gentleman, and in him I comprehend all those who oppose the bill, bestowed in support of their side of the question as much argument as it could bear, and much more of learning and decoration than it deserved. He thinks connivance consistent, but legal toleration inconsistent, with the interests of Christianity. Perhaps I would go as far as that honourable gentleman, if I thought toleration inconsistent with those interests. God forbid! I may be mistaken, but I take toleration to be a part of religion. I do not know which I would sacrifice; I would keep them both; it is not necessary I should sacrifice either. I do not like the idea of tolerating the doctrines of Epicurus: but nothing in the world propagates them so much as the oppression of the poor, of the honest and candid disciples of the religion we profess in common, I mean revealed religion; nothing sooner makes them take a short cut out of the bondage of sectarian vexation into open and direct infidelity, than tormenting men for every difference. My opinion is, that in establishing the Christian religion wherever you find it, curiosity or research is its best security; and in this way a man is a great deal better justified in saying, tolerate all kinds of consciences, than in imitating the heathens, whom the honourable gentleman quotes, in tolerating those who have none. I am not over fond of calling for the secular arm upon these misguided, or misguiding men; but if ever it ought to be raised, it ought sure to

be raised against these very men, not against others, whose liberty of religion you make a pretext for proceedings which drive them into the bondage of impiety. What figure do I make in saying I do not attack the works of these atheistical writers, but I will keep a rod hanging over the conscientious man, their bitterest enemy, because these atheists may take advantage of the liberty of their foes to introduce irreligion? The best book that ever perhaps has been written against these people, is that in which the author has collected in a body the whole of the infidel code, and has brought the writers into one body to cut them all off together. This was done by a Dissenter, who never did subscribe the thirty-nine articles—Dr. Leland. But if, after all this, danger is to be apprehended, if you are really fearful that Christianity will indirectly suffer by this liberty, you have my free consent; go directly, and by the straight way, and not by a circuit in which in your road you may destroy your friends, point your arms against these men, who do the mischief you fear promoting; point your arms against men who, not contented with endeavouring to turn your eyes from the blaze and effulgence of light, by which life and immortality is so gloriously demonstrated by the Gospel, would even extinguish that faint glimmering of nature, that only comfort supplied to ignorant man before this great illumination—them, who by attacking even the possibility of all revelation, arraign all the dispensations of Providence to man. These are the wicked Dissenters you ought to fear; these are the people against whom you ought to aim the shaft of the law; these are the men, to whom, arrayed in all the terrors of government, I would say, you shall not degrade us into brutes; these men, these factious men, as the honourable gentleman properly called them, are the just objects of vengeance, not the conscientious Dissenter; these men, who would take away whatever ennobles the rank or consoles the misfortunes of human nature, by breaking off that connexion of observances, of affections, of hopes and fears, which bind us to the Divinity, and constitute the

glorious and distinguishing prerogative of humanity, that of being a religious creature: against these I would have the laws rise in all their majesty of terrors, to fulminate such vain and impious wretches, and to awe them into impotence by the only dread they can fear or believe, to learn that eternal lesson—*discite justitiam moniti, et non temnere Divos.*

At the same time that I would cut up the very root of atheism, I would respect all conscience; all conscience that is really such, and which perhaps its very tenderness proves to be sincere. I wish to see the established church of England great and powerful; I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness; I would have her head raised up to that Heaven to which she conducts us. I would have her open wide her hospitable gates by a noble and liberal comprehension; but I would have no breaches in her wall; I would have her cherish all those, who are within, and pity all those, who are without; I would have her a common blessing to the world, an example, if not an instructor to those who have not the happiness to belong to her; I would have her give a lesson of peace to mankind, that a vexed and wandering generation might be taught to seek for repose and toleration in the maternal bosom of Christian charity, and not in the harlot lap of infidelity and indifference. Nothing has driven people more into that house of seduction than the mutual hatred of Christian congregations. Long may we enjoy our church under a learned and edifying episcopacy. But episcopacy may fail, and religion exist. The most horrid and cruel blow, that can be offered to civil society, is through atheism. Do not promote diversity; when you have it, bear it; have as many sorts of religion as you find in your country; there is a reasonable worship in them all. The others, the infidels, are outlaws of the constitution; not of this country, but of the human race. They are never, never to be supported, never to be tolerated. Under the systematic attacks of these people, I see some of the props of good government

already begin to fail; I see propagated principles, which will not leave to religion even a toleration. I see myself sinking every day under the attacks of these wretched people—How shall I arm myself against them? by uniting all those in affection, who are united in the belief of the great principles of the Godhead that made and sustains the world. They who hold revelation give double assurance to the country. Even the man who does not hold revelation, yet who wishes that it were proved to him, who observes a pious silence with regard to it, such a man, though not a Christian, is governed by religious principles. Let him be tolerated in this country. Let it be but a serious religion, natural or revealed, take what you can get; cherish, blow up the slightest spark. One day it may be a pure and holy flame. By this proceeding you form an alliance, offensive and defensive, against those great ministers of darkness in the world, who are endeavouring to shake all the works of God established in order and beauty.—Perhaps I am carried too far; but it is in the road into which the honourable gentleman has led me. The honourable gentleman would have us fight this confederacy of the powers of darkness with the single arm of the church of England; would have us not only fight against infidelity, but fight at the same time with all the faith in the world except our own. In the moment we make a front against the common enemy, we have to combat with all those who are the natural friends of our cause. Strong as we are, we are not equal to this. The cause of the church of England is included in that of religion, not that of religion in the church of England. I will stand up at all times for the rights of conscience, as it is such, not for its particular modes against its general principles. One may be right, another mistaken; but if I have more strength than my brother, it shall be employed to support, not oppress, his weakness; if I have more light, it shall be used to guide, not to dazzle him. *

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SPEECH

On a Motion for leave to bring in a Bill to repeal and alter certain Acts respecting Religious Opinions; May 11, 1792 [1].

* * * * * *

I NEVER govern myself, no rational man ever did govern himself, by abstractions and universals. I do not put abstract ideas wholly out of any question, because I well know, that under that name I should dismiss principles; and that without the guide and light of sound well-understood principles, all reasonings in politics, as in every thing else, would be only a confused jumble of particular facts and details, without the means of drawing out any sort of theoretical or practical conclusion. A statesman differs from a professor in an university; the latter has only the general view of society; the former, the statesman, has a number of circumstances to combine with those general ideas, and to take into his consideration. Circumstances are infinite, are infinitely combined; are variable and transient; he who does not take them into consideration, is not erroneous, but stark mad—*dat operam ut cum ratione insaniat*—he is metaphysically mad. A statesman, never losing sight of principles, is to be guided by circumstances; and judging contrary to the exigencies of the moment, he may ruin his country for ever.

I go on this ground, that government, representing the society, has a general superintending control over

[1] This motion was made by Mr. Fox; and was chiefly grounded upon a petition presented to the House of Commons by the Unitarian Society.

all the actions, and over all the publicly propagated doctrines of men, without which it never could provide adequately for all the wants of society; but then it is to use this power with an equitable discretion, the only bond of sovereign authority. For it is not, perhaps, so much by the assumption of unlawful powers, as by the unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object; for there is such a thing as tyranny as well as usurpation. You can hardly state to me a case, to which legislature is the most confessedly competent, in which, if the rules of benignity and prudence are not observed, the most mischievous and oppressive things may not be done. So that after all, it is a moral and virtuous discretion, and not any abstract theory of right, which keeps governments faithful to their ends. Crude unconnected truths are in the world of practice what falsehoods are in theory.

A reasonable, prudent, provident, and moderate coercion may be a means of preventing acts of extreme ferocity and rigour; for by propagating excessive and extravagant doctrines, such extravagant disorders take place, as require the most perilous and fierce corrections to oppose them. It is not morally true, that we are bound to establish in every country that form of religion, which in *our* minds is most agreeable to truth, and conduces most to the eternal happiness of mankind. In the same manner it is not true that we are, against the conviction of our own judgment, to establish a system of opinions and practices directly contrary to those ends, only because some majority of the people, told by the head, may prefer it. No conscientious man would willingly establish what he knew to be false and mischievous in religion, or in any thing else. No wise man, on the contrary, would tyrannically set up his own sense so as to reprobate that of the great prevailing body of the community, and pay no regard to the established opinions and prejudices of mankind, or refuse to them the means of securing a religious instruction suitable to these prejudices.

A great deal depends on the state, in which you find men. * * * * * * * *

An alliance between church and state in a Christian commonwealth is, in my opinion, an idle and a fanciful speculation. An alliance is between two things, that are in their nature distinct and independent, such as between two sovereign states. But in a Christian commonwealth, the church and the state are one and the same thing, being different integral parts of the same whole. For the church has been always divided into two parts, the clergy and the laity; of which the laity is as much an essential integral part, and has as much its duties and privileges as the clerical member; and in the rule, order, and government of the church, has its share. Religion is so far, in my opinion, from being out of the province or the duty of a Christian magistrate, that it is, and it ought to be, not only his care, but the principal thing in his care; because it is one of the great bonds of human society; and its object the supreme good, the ultimate end and object of man himself. The magistrate who is a man, and charged with the concerns of men, and to whom very specially nothing human is remote and indifferent, has a right and a duty to watch over it with an unceasing vigilance, to protect, to promote, to forward it by every rational, just, and prudent means. It is principally his duty to prevent the abuses which grow out of every strong and efficient principle that actuates the human mind. As religion is one of the bonds of society, he ought not to suffer it to be made the pretext of destroying its peace, order, liberty, and its security. Above all, he ought strictly to look to it when men begin to form new combinations, to be distinguished by new names, and especially when they mingle a political system with their religious opinions, true or false, plausible or implausible.

It is the interest, and it is the duty, and because it is the interest and the duty, it is the right of government to attend much to opinions; because, as opinions soon combine with passions, even when they do not

produce them, they have much influence on actions. Factions are formed upon opinions; which factions become in effect bodies corporate in the state;—nay factions generate opinions in order to become a centre of union, and to furnish watchwords to parties; and this may make it expedient for government to forbid things in themselves innocent and neutral. I am not fond of defining with precision what the ultimate rights of the sovereign supreme power in providing for the safety of the commonwealth may be, or may not extend to. It will signify very little what my notions, or what their own notions on the subject may be; because, according to the exigence, they will take, in fact, the steps which seem to them necessary for the preservation of the whole; for as self-preservation in individuals is the first law of nature, the same will prevail in societies, who will, right or wrong, make that an object paramount to all other rights whatsoever. There are ways and means by which a good man would not even save the commonwealth. * * * * All things founded on the idea of danger ought in a great degree to be temporary. All policy is very suspicious, that sacrifices any part to the ideal good of the whole. The object of the state is (as far as may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that object; indeed it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and sentiments, and not by any theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to a knowledge of their opinions, prejudices, habits, and all the circumstances that diversify and colour life. The first question a good statesman would ask himself, therefore, would be, how and in what circumstances do you find the society, and to act upon them.

To the other laws relating to other sects I have nothing to say. I only look to the petition which has

given rise to this proceeding. I confine myself to that, because in my opinion its merits have little or no relation to that of the other laws, which the right honourable gentleman has with so much ability blended with it. With the Catholics, with the Presbyterians, with the Anabaptists, with the Independents, with the Quakers, I have nothing at all to do. They are in *possession*, a great title in all human affairs. The tenor and spirit of our laws, whether they were restraining, or whether they were relaxing, have hitherto taken another course. The spirit of our laws has applied their penalty or their relief to the supposed abuse to be repressed, or the grievance to be relieved; and the provision for a Catholic and a Quaker has been totally different, according to his exigence; you did not give a Catholic liberty to be freed from an oath, or a Quaker power of saying mass with impunity. You have done this, because you never have laid it down as an universal proposition, as a maxim, that nothing relative to religion was your concern, but the direct contrary; and therefore you have always examined whether there was a grievance. It has been so at all times; the legislature, whether right or wrong, went no other way to work but by circumstances, times, and necessities. My mind marches the same road; my school is the practice and usage of parliament.

Old religious factions are volcanoes burnt out; on the lava and ashes, and squalid scoriae of old eruptions grow the peaceful olive, the cheering vine, and the sustaining corn. Such was the first, such the second, condition of Vesuvius. But when a new fire bursts out, a face of desolations comes on, not to be rectified in ages. Therefore, when men come before us, and rise up like an exhalation from the ground, they come in a questionable shape, and we must *exorcise* them, and try whether their intents be wicked or charitable; whether they bring airs from heaven, or blasts from hell. This is the first time that our records of parliament have heard, or our experience or history given us an account of any religious congregation or associa-

tion known by the name which these petitioners have assumed. We are now to see by what people, of what character, and under what temporary circumstances, this business is brought before you. We are to see whether there be any, and what mixture of political dogmas and political practices with their religious tenets, of what nature they are, and how far they are at present practically separable from them. This faction (the authors of the petition) are not confined to a *theological* sect, but are also a *political* faction. 1st. As theological, we are to show, that they do not aim at the quiet enjoyment of their own liberty, but are *associated* for the express purpose of proselytism.—In proof of this proposition, read their primary association. 2nd. That their purpose of proselytism is to collect a multitude sufficient by force and violence to overturn the church.—In proof of the second proposition, see the letter of Priestley to Mr. Pitt, and extracts from his works. 3rd. That the designs against the church are concurrent with a design to subvert the state.—In proof of the third proposition, read the advertisement of the Unitarian Society for celebrating the 14th of July. 4th. On what *model* they intend to build, that it is the *French*.—In proof of the fourth proposition, read the correspondence of the Revolution Society with the clubs of France; read Priestley's adherence to their opinions. 5th. What the *French* is with regard to religious toleration, and with regard to, 1. Religion—2. Civil happiness—3. Virtue, order, and real liberty—4. Commercial opulence—5. National defence.—In proof of the fifth proposition, read the representation of the French minister of the home department, and the report of the committee upon it.

Formerly, when the superiority of two parties contending for dogmas and an establishment was the question, we knew in such a contest the whole of the evil. We knew, for instance, that Calvinism would prevail according to the Westminster Catechism with regard to *tenets*. We knew that presbytery would prevail in *church government*. But we do not know

what opinions would prevail, if the present Dissenters should become masters. They will not tell us their present opinions; and one principle of modern dissent is, not to discover them. Next, as their religion is in a continual fluctuation, and is so by principle, and in profession, it is impossible for us to know what it will be. If religion only related to the individual, and was a question between God and the conscience, it would not be wise, nor in my opinion equitable, for human authority to step in. But when religion is embodied into faction, and factions have objects to pursue, it will, and must, more or less, become a question of power between them. If even, when embodied into congregations, they limited their principle to their own congregations, and were satisfied themselves to abstain from what they thought unlawful, it would be cruel, in my opinion, to molest them in that tenet, and a consequent practice. But we know that they not only entertain these opinions, but entertain them with a zeal for propagating them by force, and employing the power of law and place to destroy establishments, if ever they should come to power sufficient to effect their purpose; that is, in other words, they declare they would persecute the heads of our church; and the question is, whether you should keep them within the bounds of toleration, or subject yourself to their persecution.

A bad and very censurable practice it is to warp doubtful and ambiguous expressions to a perverted sense, which makes the charge not the crime of others, but the construction of your own malice; nor is it allowed to draw conclusions from allowed premises, which those, who lay down the premises, utterly deny, and disown as their conclusions. For this, though it may possibly be good logic, cannot by any possibility whatsoever be a fair or charitable representation of any man, or any set of men. It may show the erroneous nature of principles, but it argues nothing as to dispositions and intentions. Far be such a mode from me. A mean and unworthy jealousy it would be to do any

thing upon the mere speculative apprehension of what men will do. But let us pass by *our* opinions concerning the danger of the church. What do the gentlemen themselves think of that danger? They, from whom the danger is apprehended, what do they declare to be their own designs? What do they conceive to be their own forces? And what do they proclaim to be their means? Their designs they declare to be to destroy the established church, and not to set up a new one of their own. See Priestley. If they should find the state stick to the church, the question is, whether they love the constitution in *state* so well, as that they would not destroy the constitution of the state in order to destroy that of the church. Most certainly they do not.

The foundations on which obedience to governments is founded are not to be constantly discussed. That we are here, supposes the discussion already made and the dispute settled. We must assume the rights of what represents the public to control the individual, to make his will and his acts to submit to their will, until some intolerable grievance shall make us know that it does not answer its end, and will submit neither to reformation nor restraint. Otherwise we should dispute all the points of morality, before we can punish a murderer, robber, and adulterer; we should analyze all society. Dangers by being despised grow great; so they do by absurd provision against them. *Stulti est dixisse non putaram.* Whether an early discovery of evil designs, an early declaration, and an early precaution against them, be more wise than to stifle all inquiry about them, for fear they should declare themselves more early than otherwise they would, and therefore precipitate the evil—all this depends on the reality of the danger. Is it only an unbookish jealousy, as Shakspeare calls it? It is a question of fact. Does a design against the constitution of this country exist? If it does, and if it is carried on with increasing vigour and activity by a restless faction, and if it receives countenance by the most ardent and enthusiastic

applauses of its object, in the great council of this kingdom, by men of the first parts which this kingdom produces, perhaps by the first it has ever produced, can I think, that there is no danger? If there be danger, must there be no precaution at all against it? If you ask whether I think the danger urgent and immediate, I answer, thank God, I do not. The body of the people is yet sound, the constitution is in their hearts, while wicked men are endeavouring to put another into their heads. But if I see the very same beginnings, which have commonly ended in great calamities, I ought to act as if they might produce the very same effects. Early and provident fear is the mother of safety; because in that state of things the mind is firm and collected, and the judgment unembarrassed. But when the fear, and the evil feared, come on together, and press at once upon us, deliberation itself is ruinous, which saves upon all other occasions; because when perils are instant, it delays decision; the man is in a flutter, and in a hurry, and his judgment is gone, as the judgment of the deposed King of France and his ministers was gone, if the latter did not premeditately betray him. He was just come from his usual amusement of hunting, when the head of the column of treason and assassination was arrived at his house. Let not the king, let not the Prince of Wales, be surprised in this manner. Let not both Houses of Parliament be led in triumph along with him, and have law dictated to them by the Constitutional, the Revolution, and the Unitarian societies. These insect reptiles, whilst they go on only caballing and toasting, only fill us with disgust; if they get above their natural size, and increase the quantity, whilst they keep the quality, of their venom, they become objects of the greatest terror. A spider in his natural size is only a spider, ugly and loathsome; and his flimsy net is only fit for catching flies. But, good God! suppose a spider as large as an ox, and that he spread cables about us, all the wilds of Africa would not produce any thing so dreadful—

Quale portentum neque militaris
Daunia in latis alit esculetis,
Nec Jubae tellus generat leonum
Arida nutrix.

Think of them who dare menace in the way they do in their present state, what would they do if they had power commensurate to their malice. God forbid I ever should have a despotic master—but if I must, my choice is made. I will have Louis XVI. rather than Monsieur Bailly, or Brissot, or Chabot; rather George III., or George IV., than Dr. Priestley, or Dr. Kippis, persons who would not load a tyrannous power by the poisoned taunts of a vulgar low-bred insolence. I hope we have still spirit enough to keep us from the one or the other. The contumelies of tyranny are the worst parts of it.

But if the danger be existing in reality, and silently maturing itself to our destruction, what, is it not better to take *treason* unprepared, than that *treason* should come by surprise upon us, and take us unprepared? If we must have a conflict, let us have it with all our forces fresh about us, with our government in full function and full strength, our troops uncorrupted, our revenues in the legal hands, our arsenals filled and possessed by government; and not wait till the conspirators met to commemorate the 14th of July shall seize on the Tower of London and the magazines it contains, murder the governor, and the mayor of London, seize upon the king's person, drive out the House of Lords, occupy your gallery, and thence, as from a high tribunal, dictate to you. The degree of danger is not only from the circumstances which threaten, but from the value of the objects which are threatened. A small danger menacing an inestimable object is of more importance than the greatest perils which regard one that is indifferent to us. The whole question of the danger depends upon facts. The first fact is, whether those who sway in France at present, confine themselves to the regulation of their internal affairs,

or whether upon system they nourish cabals in all other countries, to extend their power by producing revolutions similar to their own. 2. The next is, whether we have any cabals formed or forming within these kingdoms, to co-operate with them for the destruction of our constitution. On the solution of these two questions, joined with our opinion of the value of the object to be affected by their machinations, the justness of our alarm, and the necessity of our vigilance, must depend. Every private conspiracy, every open attack upon the laws is dangerous. One robbery is an alarm to all property; else I am sure we exceed measure in our punishment. As robberies increase in number and audacity, the alarm increases. These wretches are at war with us upon principle. They hold this government to be an usurpation. See the language of the department.

The whole question is on the *reality* of the danger. Is it such a danger as would justify that fear, *qui cadere potest in hominem constantem et non metuentem?* This is the fear, which the principles of jurisprudence declare to be a lawful and justifiable fear. When a man threatens my life openly and publicly, I may demand from him securities of the peace. When every act of a man's life manifests such a design stronger than by words, even though he does not make such a declaration, I am justified in being on my guard. They are of opinion that they are already one-fifth of the kingdom. If so, their force is naturally not contemptible. To say that in all contests the decision will of course be in favour of the greater number, is by no means true in fact. For, first, the greater number is generally composed of men of sluggish tempers, slow to act, and unwilling to attempt; and, by being in possession, are so disposed to peace, that they are unwilling to take early and vigorous measures for their defence, and they are almost always caught unprepared.—

Nec cöiere pares: alter vergentibus annis
In senium, longoque togae tranquillior usu,

Dedidicit jam pace ducem ;——
Nec reparare novas vires, multumque priori
Credere fortunae. Stat magni nominis umbra [1].

A smaller number, more expedite, awakened, active, vigorous, and courageous, who make amends for what they want in weight by their superabundance of velocity, will create an acting power of the greatest possible strength. When men are furiously and fanatically fond of an object, they will prefer it, as is well known, to their own peace, to their own property, and to their own lives ; and can there be a doubt in such a case, that they would prefer it to the peace of their country ? Is it to be doubted, that if they have not strength enough at home they will call in foreign force to aid them ? Would you deny them *what is reasonable* for fear they should ? Certainly not. It would be barbarous to pretend to look into the minds of men. I would go further, it would not be just even to trace consequences from principles, which, though evident to me, were denied by them. Let them disband as a faction, and let them act as individuals ; and when I see them with no other views than to enjoy their own conscience in peace, I for one shall most cheerfully vote for their relief.

A tender conscience, of all things, ought to be tenderly handled ; for if you do not, you injure not only the conscience, but the whole moral frame and constitution is injured, recurring at times to remorse, and seeking refuge only in making the conscience callous. But the conscience of faction, the conscience of sedition, the conscience of conspiracy, war and confusion * * * * * * *

Whether any thing be proper to be denied, which is right in itself, because it may lead to the demand of others which it is improper to grant ;—abstractedly speaking, there can be no doubt that this question ought to be decided in the negative. But as no moral questions are ever abstract questions, this, before

[1] Lucan, l. 129 to 135.

I judge upon any abstract proposition, must be embodied in circumstances; for since things are right or wrong, morally speaking, only by their relation and connexion with other things, this very question of what it is politically right to grant depends upon this relation to its effects. It is the direct office of wisdom to look to the consequences of the acts we do; if it be not this, it is worth nothing, it is out of place and of function; and a downright fool is as capable of government as Charles Fox. A man desires a sword; why should he be refused? a sword is a means of defence, and defence is the natural right of man,—nay, the first of all his rights, and which comprehends them all. But if I know that the sword desired is to be employed to cut my own throat, common sense, and my own self-defence, dictate to me to keep out of his hands this natural right of the sword. But whether this denial be wise or foolish, just or unjust, prudent or cowardly, depends entirely on the state of the man's means. A man may have very ill dispositions, and yet be so very weak as to make all precaution foolish. See whether this be the case of these Dissenters, as to their designs, as to their means, numbers, activity, zeal, foreign assistance.

The first question to be decided when we talk of the church's being in danger from any particular measure is, whether the danger to the church is a public evil; for to those who think that the national church establishment is itself a national grievance, to desire them to forward or to resist any measure upon account of its conducing to the safety of the church, or averting its danger, would be to the last degree absurd. If you have reason to think thus of it, take the reformation instantly into your own hands, whilst you are yet cool and can do it in measure and proportion, and not under the influence of election tests and popular fury. But here I assume, that by far the greater number of those who compose the House are of opinion that this national church establishment is a great national benefit, a great public blessing, and that its existence or its non-

existence of course is a thing by no means indifferent to the public welfare: then to them its danger or its safety must enter deeply into every question which has a relation to it. It is not because ungrounded alarms have been given, that there never can exist a real danger; perhaps the worst effect of an ungrounded alarm is to make people insensible to the approach of a real peril. Quakerism is strict, methodical, in its nature highly aristocratical, and so regular, that it has brought the whole community to the condition of one family; but it does not actually interfere with the government. The principle of your petitioners is no passive conscientious dissent on account of an over-scrupulous habit of mind; the dissent on their part is fundamental, goes to the very root; and it is at issue not upon this rite or that ceremony, on this or that school opinion, but upon this one question of an establishment, as unchristian, unlawful, contrary to the Gospel and to natural right, popish and idolatrous. These are the principles violently and fanatically held and pursued—taught to their children, who are sworn at the altar like Hannibal. The war is with the establishment itself, no quarter, no compromise. As a party, they are infinitely mischievous; see the declarations of Priestley and Price—declarations, you will say, of *hot* men. Likely enough—but who are the *cool* men who have disclaimed them? not one—no, not one. Which of them has ever told you, that they do not mean to *destroy the church*, if ever it should be in their power? Which of them has told you that this would not be the first and favourite use of any power they should get? not one—no, not one. Declarations of hot men! The danger is thence, that they are under the *conduct* of hot men; *falsos in amore odia non fingere.*

They say they are well affected to the state, and mean only to destroy the church. If this be the utmost of their meaning, you must first consider whether you wish your church establishment to be destroyed; if you do, you had much better do it now in temper, in a grave, moderate, and parliamentary

way. But if you think otherwise, and that you think it to be an invaluable blessing, a way fully sufficient to nourish a manly, rational, solid, and at the same time humble piety; if you find it well fitted to the frame and pattern of your civil constitution; if you find it a barrier against fanaticism, infidelity, and atheism; if you find that it furnishes support to the human mind in the afflictions and distresses of the world, consolation in sickness, pain, poverty, and death; if it dignifies our nature with the hope of immortality, leaves inquiry free, whilst it preserves an authority to teach, where authority only can teach, *communia altaria, aeque ac patriam, diligite, colite, fovete.*

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In the discussion of this subject which took place in the year 1790, Mr. Burke declared his intention, in case the motion for repealing the Test Acts had been agreed to, of proposing to substitute the following test in the room of what was intended to be repealed. 'I *A.B.* do, in the presence of God, sincerely profess and believe, that a religious establishment in this state is not contrary to the law of God, or disagreeable to the law of nature, or to the true principles of the Christian religion, or that it is noxious to the community; and I do sincerely promise and engage, before God, that I never will, by any conspiracy, contrivance, or political device whatever, attempt or abet others in any attempt to subvert the constitution of the Church of England, as the same is now by law established, and that I will not employ any power or influence, which I may derive from any office corporate, or any other office which I hold, or shall hold, under his majesty, his heirs and successors, to destroy and subvert the same; or to cause members to be elected into any corporation, or into parliament, give my vote in the election of any member or members of parliament, or into any office, for or on account of their attachment to any other, or different religious opinions or establishments, or with any hope, that they may promote the same to the prejudice of the Established Church, but will dutifully and peacefully content myself with my private liberty of conscience, as the same is allowed by law.

'So help me God.'

SPEECH

On the Motion made in the House of Commons, the 7th of February 1771, *relative to the Middlesex Election* [1].

* * * * * *

In every complicated constitution (and every free constitution is complicated) cases will arise when the several orders of the state will clash with one another; and disputes will arise about the limits of their several rights and privileges. It may be almost impossible to reconcile them. * * * *

Carry the principle on by which you expelled Mr. Wilkes, there is not a man in the House, hardly a man in the nation, who may not be disqualified. That this House should have no power of expulsion is a hard saying. That this House should have a general discretionary power of disqualification is a dangerous saying. That the people should not choose their own representative, is a saying that shakes the constitution. That this House should name the representative, is a saying which, followed by practice, subverts the constitution. They have the right of electing, you have a right of expelling; they of choosing, you of judging, and only of judging, of the choice. What bounds shall be set to the freedom of that choice? Their right is prior to ours, we all originate there. They are the mortal enemies of the House of Commons, who would persuade them to think or to act as if they were a self-originated magistracy, independent of the

[1] This motion, which was for leave to bring in a bill to ascertain the rights of the electors in respect to the eligibility of persons to serve in parliament, was rejected by a majority of 167 against 103.

people, and unconnected with their opinions and feelings. Under a pretence of exalting the dignity, they undermine the very foundations of this House. When the question is asked *here*, what disturbs the people, whence all this clamour? we apply to the treasury-bench, and they tell us it is from the efforts of libellers, and the wickedness of the people:—a worn-out ministerial pretence. If abroad the people are deceived by popular, within we are deluded by ministerial, cant. The question amounts to this, whether you mean to be a legal tribunal, or an arbitrary and despotic assembly. I see and I feel the delicacy and difficulty of the ground upon which we stand in this question. I could wish, indeed, that they, who advise the crown, had not left parliament in this very ungraceful distress, in which they can neither retract with dignity nor persist with justice. Another parliament might have satisfied the people without lowering themselves. But our situation is not in our own choice; our conduct in that situation is all that is in our own option. The substance of the question is, to put bounds to your own power by the rules and principles of law. This is, I am sensible, a difficult thing to the corrupt, grasping, and ambitious part of human nature. But the very difficulty argues and enforces the necessity of it. First, because the greater the power, the more dangerous the abuse. Since the Revolution, at least, the power of the nation has all flowed with a full tide into the House of Commons. Secondly, because the House of Commons, as it is the most powerful, is the most corruptible part of the whole constitution. Our public wounds cannot be concealed; to be cured, they must be laid open. The public does think we are a corrupt body. In our *legislative capacity* we are, in most instances, esteemed a very wise body. In our judicial, we have no credit, no character at all. Our judgments stink in the nostrils of the people. They think us to be not only without virtue, but without shame. Therefore the greatness of our power, and the great and just opinion of our corruptibility and our corruption, render it

necessary to fix some bound, to plant some landmark, which we are never to exceed. This is what the bill proposes. First on this head, I lay it down as a fundamental rule in the law and constitution of this country, that this House has not by itself alone a legislative authority in any case whatsoever. I know that the contrary was the doctrine of the usurping House of Commons, which threw down the fences and bulwarks of law, which annihilated first the lords, then the crown, then its constituents. But the first thing that was done on the restoration of the constitution, was to settle this point. Secondly, I lay it down as a rule, that the power of occasional incapacitation, on discretionary grounds, is a legislative power. In order to establish this principle, if it should not be sufficiently proved by being stated, tell me what are the criteria, the characteristics, by which you distinguish between a legislative and juridical act. It will be necessary to state, shortly, the difference between a legislative and a juridical act. A legislative act has no reference to any rule but these two, original justice, and discretionary application. Therefore it can give rights; rights where no rights existed before; and it can take away rights where they were before established. For the law, which binds all others, does not, and cannot, bind the law-maker; he, and he alone, is above the law. But a judge, a person exercising a judicial capacity, is neither to apply to original justice, nor to a discretionary application of it. He goes to justice and discretion only at second hand, and through the medium of some superiors. He is to work neither upon his opinion of the one nor of the other; but upon a fixed rule, of which he has not the making, but singly and solely the *application* to the case.

The power assumed by the House neither is, nor can be, judicial power exercised according to known law. The properties of law are, first, that it should be known; secondly, that it should be fixed, and not occasional. First, this power cannot be according to the first property of law; because no man does or can know it,

nor do you yourselves know upon what grounds you will vote the incapacity of any man. No man in Westminster Hall, or in any court upon earth, will say that is law, upon which, if a man going to his counsel should say to him, what is my tenure in law of this estate ? he would answer, truly sir, I know not ; the court has no rule but its own discretion ; they will determine. It is not a fixed law—because you profess you vary it according to the occasion, exercise it according to your discretion ; no man can call for it as a right. It is argued that the incapacity is not originally voted, but a consequence of a power of expulsion : but if you expel, not upon legal but upon arbitrary, that is, upon discretionary grounds, and the incapacity is *ex vi termini* and inclusively comprehended in the expulsion, is not the incapacity voted in the expulsion ? Are they not convertible terms ? And if incapacity is voted to be inherent in expulsion, if expulsion be arbitrary, incapacity is arbitrary also. I have therefore shown that the power of incapacitation is a legislative power ; I have shown that legislative power does not belong to the House of Commons ; and therefore it follows, that the House of Commons has not a power of incapacitation.

I know not the origin of the House of Commons, but am very sure that it did not create itself ; the electors were prior to the elected, whose rights originated either from the people at large, or from some other form of legislature, which never could intend for the chosen a power of superseding the choosers.

If you have not a power of declaring an incapacity simply by the mere act of declaring it, it is evident to the most ordinary reason you cannot have a right of expulsion, inferring, or rather including, an incapacity. For as the law, when it gives any direct right, gives also as necessary incidents all the means of acquiring the possession of that right, so where it does not give a right directly, it refuses all the means by which such a right may by any mediums be exercised, or in effect be indirectly acquired. Else it is very obvious, that

the intention of the law in refusing that right might be entirely frustrated, and the whole power of the legislature baffled. If there be no certain invariable rule of eligibility, it were better to get simplicity, if certainty is not to be had; and to resolve all the franchises of the subject into this one short proposition —the will and pleasure of the House of Commons.

The argument drawn from the courts of law applying the principles of law to new cases as they emerge is altogether frivolous, inapplicable, and arises from a total ignorance of the bounds between civil and criminal jurisdiction, and of the separate maxims that govern these two provinces of law that are eternally separate. Undoubtedly the courts of law, where a new case comes before them, as they do every hour, then, that there may be no defect in justice, call in similar principles, and the example of the nearest determination, and do every thing to draw the law to as near a conformity to general equity and right reason as they can bring it with its being a fixed principle. *Boni judicis est ampliare justitiam*—that is, to make open and liberal justice. But in criminal matters this parity of reason and these analogies ever have been, and ever ought to be, shunned.

Whatever is incident to a court of judicature is necessary to the House of Commons as judging in elections. But a power of making incapacities is not necessary to a court of judicature—therefore a power of making incapacities is not necessary to the House of Commons.

Incapacity, declared by whatever authority, stands upon two principles. First, an incapacity arising from the supposed incongruity of two duties in the commonwealth. Secondly, an incapacity arising from unfitness by infirmity of nature or the criminality of conduct. As to the first class of incapacities, they have no *hardship* annexed to them. The persons so incapacitated are paid by one dignity for what they abandon in another, and for the most part the situation arises from their own choice. But as to the second,

arising from an unfitness not fixed by nature, but superinduced by some positive acts, or arising from honourable motives, such as an occasional personal disability, of all things it ought to be defined by the fixed rule of law—what Lord Coke calls the golden metwand of the law, and not by the crooked cord of discretion. Whatever is general is better born. We take our common lot with men of the same description. But to be selected and marked out by a particular brand of unworthiness among our fellow-citizens, is a lot of all others the hardest to be borne; and consequently is of all others that act which ought only to be trusted to the legislature, as not only *legislative* in its nature, but of all parts of legislature the most odious. The question is over, if this is shown not to be a legislative act. But what is very usual and natural, is to corrupt judicature into legislature. On this point it is proper to inquire whether a court of judicature, which decides without appeal, has it as a necessary incident of such judicature, that whatever it decides is *de jure* law. Nobody will, I hope, assert this, because the direct consequence would be the entire extinction of the difference between true and false judgments. For if the judgment makes the law, and not the law directs the judgment, it is impossible there should be such a thing as an illegal judgment given.

But instead of standing upon this ground they introduce another question wholly foreign to it, whether it ought not to be submitted to as if it were law. And then the question is,—by the constitution of this country what degree of submission is due to the authoritative acts of a limited power? This question of submission, determine it how you please, has nothing to do in this discussion and in this House. Here it is not how long the people are bound to tolerate the illegality of our judgments, but whether we have a right to substitute our occasional opinion in the place of law; so as to deprive the citizen of his franchise. * * * * * * * * * * *

SPEECH

ON

A BILL FOR SHORTENING THE DURATION OF PARLIAMENTS[1]

It is always to be lamented when men are driven to search into the foundations of the commonwealth. It is certainly necessary to resort to the theory of your government whenever you propose any alteration in the frame of it, whether that alteration means the revival of some former antiquated and forsaken constitution of state, or the introduction of some new improvement in the commonwealth. The object of our deliberation is, to promote the good purposes for which elections have been instituted, and to prevent their inconveniences. If we thought frequent elections attended with no inconvenience, or with but a trifling inconvenience, the strong over-ruling principle of the constitution would sweep us like a torrent towards them. But your remedy is to be suited to your disease—your present disease, and to your whole disease. That man thinks much too highly, and therefore he thinks weakly and delusively, of any contrivance of human wisdom, who believes that it can make any sort of approach to perfection. There is not, there never was, a principle of government under heaven that does not, in the very pursuit of the good it proposes, naturally and inevitably lead into some inconvenience, which makes it absolutely necessary to counterwork and weaken

[1] This speech was delivered upon one of those motions, which for many successive years were made by Mr. Sawbridge for shortening the duration of parliaments; but the precise date cannot be ascertained.

the application of that first principle itself; and to abandon something of the extent of the advantage you proposed by it, in order to prevent also the inconveniences which have arisen from the instrument of all the good you had in view.

To govern according to the sense and agreeably to the interests of the people is a great and glorious object of government. This object cannot be obtained but through the medium of popular election; and popular election is a mighty evil. It is such, and so great an evil, that though there are few nations whose monarchs were not originally elective, very few are now elected. They are the distempers of elections that have destroyed all free states. To cure these distempers is difficult, if not impossible; the only thing therefore left to save the commonwealth is to prevent their return too frequently. The objects in view are, to have parliaments as frequent as they can be without distracting them in the prosecution of public business: on one hand, to secure their independence upon the people, on the other, to give them that quiet in their minds, and that ease in their fortunes, as to enable them to perform the most arduous and most painful duty in the world with spirit, with efficiency, with independency, and with experience, as real public counsellors, not as the canvassers at a perpetual election. It is wise to compass as many good ends as possibly you can, and seeing there are inconveniences on both sides, with benefits on both, to give up a part of the benefit to soften the inconvenience. The perfect cure is impracticable, because the disorder is dear to those from whom alone the cure can possibly be derived. The utmost to be done is to palliate, to mitigate, to respite, to put off the evil day of the constitution to its latest possible hour, and may it be a very late one!

This bill, I fear, would precipitate one of two consequences, I know not which most likely, or which most dangerous; either that the crown by its constant stated power, influence and revenue, would wear out all opposition in elections, or that a violent and furious

popular spirit would arise. I must see, to satisfy me, the remedies; I must see, from their operation in the cure of the old evil, and in the cure of those new evils which are inseparable from all remedies, how they balance each other, and what is the total result. The excellence of mathematics and metaphysics is to have but one thing before you; but he forms the best judgment in all moral disquisitions, who has the greatest number and variety of considerations in one view before him, and can take them in with the best possible consideration of the middle results of all.

We of the opposition, who are not friends to the bill, give this pledge at least of our integrity and sincerity to the people, that in our situation of systematic opposition to the present ministers, in which all our hope of rendering it effectual depends upon popular interest and favour, we will not flatter them by a surrender of our uninfluenced judgment and opinion; we give a security, that if ever we should be in another situation, no flattery to any other sort of power and influence would induce us to act against the true interests of the people.

All are agreed that parliaments should not be perpetual; the only question is, what is the most convenient time for their duration? On which there are three opinions. We are agreed, too, that the term ought not to be chosen most likely in its operation to spread corruption, and to augment the already overgrown influence of the crown. On these principles I mean to debate the question. It is easy to pretend a zeal for liberty. Those who think themselves not likely to be encumbered with the performance of their promises, either from their known inability or total indifference about the performance, never fail to entertain the most lofty ideas. They are certainly the most specious, and they cost them neither reflection to frame, nor pains to modify, nor management to support. The task is of another nature to those who mean to promise nothing that it is not in their intention, or may possibly be in their power to perform; to those

who are bound and principled no more to delude the understandings than to violate the liberty of their fellow-subjects. Faithful watchmen we ought to be over the rights and privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them; we are not to go to school to them to learn the principles of law and government. In doing so, we should not dutifully serve, but we should basely and scandalously betray the people who are not capable of this service by nature, nor in any instance called to it by the constitution. I reverentially look up to the opinion of the people, and with an awe that is almost superstitious. I should be ashamed to show my face before them, if I changed my ground, as they cried up or cried down men, or things, or opinions; if I wavered and shifted about with every change, and joined in it, or opposed, as best answered any low interest or passion; if I held them up hopes, which I knew I never intended, or promised what I well knew I could not perform. Of all these things they are perfect sovereign judges, without appeal; but as to the detail of particular measures, or to any general schemes of policy, they have neither enough of speculation in the closet, nor of experience in business, to decide upon it. They can well see whether we are tools of a court, or their honest servants. Of that they can well judge; and I wish that they always exercised their judgment; but of the particular merits of a measure, I have other standards. * * * * * * * * That the frequency of elections proposed by this bill has a tendency to increase the power and consideration of the electors, not lessen corruptibility, I do most readily allow; so far it is desirable; this is what it has, I will tell you now what it has not; 1st. It has no sort of tendency to increase their integrity and public spirit, unless an increase of power has an operation upon voters in elections, that it has in no other situation in the world, and upon no other part of mankind. 2nd. This bill has no tendency to limit the quantity of influence in the crown, to render

its operation more difficult, or to counteract that operation which it cannot prevent in any way whatsoever. It has its full weight, its full range, and its uncontrolled operation on the electors exactly as it had before. 3rd. Nor, thirdly, does it abate the interest or inclination of ministers to apply that influence to the electors: on the contrary, it renders it much more necessary to them, if they seek to have a majority in parliament, to increase the means of that influence, and redouble their diligence, and to sharpen dexterity in the application. The whole effect of the bill is therefore the removing the application of some part of the influence from the elected to the electors, and further to strengthen and extend a court interest already great and powerful in boroughs; here to fix their magazines and places of arms, and thus to make them the principal, not the secondary theatre of their manœuvres for securing a determined majority in parliament.

I believe nobody will deny that the electors are corruptible. They are men; it is saying nothing worse of them; many of them are but ill informed in their minds, many feeble in their circumstances, easily over-reached, easily seduced. If they are many, the wages of corruption are the lower; and would to God it were not rather a contemptible and hypocritical adulation than a charitable sentiment to say, that there is already no debauchery, no corruption, no bribery, no perjury, no blind fury, and interested faction among the electors in many parts of this kingdom: nor is it surprising, or at all blamable, in that class of private men, when they see their neighbours aggrandized, and themselves poor and virtuous without that *éclat* or dignity, which attends men in higher situations.

But admit it were true that the great mass of the electors were too vast an object for court influence to grasp, or extend to, and that in despair they must abandon it; he must be very ignorant of the state of every popular interest, who does not know that in all the corporations, all the open boroughs, indeed

in every district of the kingdom, there is some leading man, some agitator, some wealthy merchant or considerable manufacturer, some active attorney, some popular preacher, some money-lender, &c., &c., who is followed by the whole flock. This is the style of all free countries.

——Multum in Fabia valet hic, valet ille Velina;
Cuilibet hic fasces dabit eripietque curule.

These spirits, each of which informs and governs his own little orb, are neither so many, nor so little powerful, nor so incorruptible, but that a minister may, as he does frequently, find means of gaining them, and through them all their followers. To establish therefore a very general influence among electors will no more be found an impracticable project, than to gain an undue influence over members of parliament. Therefore I am apprehensive that this bill, though it shifts the place of the disorder, does by no means relieve the constitution. I went through almost every contested election in the beginning of this parliament, and acted as a manager in very many of them; by which, though as at a school of pretty severe and rugged discipline, I came to have some degree of instruction concerning the means by which parliamentary interests are in general procured and supported.

Theory, I know, would suppose that every general election is to the representative a day of judgment, in which he appears before his constituents to account for the use of the talent, with which they intrusted him, and for the improvement he has made of it for the public advantage. It would be so if every corruptible representative were to find an enlightened and incorruptible constituent. But the practice and knowledge of the world will not suffer us to be ignorant, that the constitution on paper is one thing, and in fact and experience is another. We must know that the candidate, instead of trusting at his election to the testimony of his behaviour in parliament, must bring the testimony of a large sum of money, the capacity of liberal expense in

entertainments, the power of serving and obliging the rulers of corporations, of winning over the popular leaders of political clubs, associations, and neighbourhoods. It is ten thousand times more necessary to show himself a man of power, than a man of integrity, in almost all the elections with which I have been acquainted. Elections, therefore, become a matter of heavy expense; and if contests are frequent, to many they will become a matter of an expense totally ruinous, which no fortunes can bear; but least of all the landed fortunes, encumbered as they often, indeed as they mostly, are with debts, with portions, with jointures; and tied up in the hands of the possessor by the limitations of settlement. It is a material, it is in my opinion a lasting, consideration in all the questions concerning election. Let no one think the charges of elections a trivial matter.

The charge therefore of elections ought never to be lost sight of in a question concerning their frequency; because the grand object you seek is independence. Independence of mind will ever be more or less influenced by independence of fortune; and if every three years the exhausting sluices of entertainments, drinkings, open houses, to say nothing of bribery, are to be periodically drawn up and renewed;—if government-favours, for which now, in some shape or other, the whole race of men are candidates, are to be called for upon every occasion, I see that private fortunes will be washed away, and every, even to the least, trace of independence borne down by the torrent. I do not seriously think this constitution, even to the wrecks of it, could survive five triennial elections. If you are to fight the battle, you must put on the armour of the ministry; you must call in the public, to the aid of private money. The expense of the last election has been computed (and I am persuaded that it has not been overrated) at 1,500,000*l.*;—three shillings in the pound more than the land tax. About the close of the last parliament, and the beginning of this, several agents for boroughs went about, and I remember well that it was in every

one of their mouths—'Sir, your election will cost you three thousand pounds, if you are independent; but if the ministry supports you, it may be done for two, and perhaps for less;' and indeed the thing spoke itself. Where a living was to be got for one, a commission in the army for another, a lift in the navy for a third, and custom-house officers scattered about without measure or number, who doubts but money may be saved? The treasury may even add money; but indeed it is superfluous. A gentleman of two thousand a year, who meets another of the same fortune, fights with equal arms; but if to one of the candidates you add a thousand a year in places for himself, and a power of giving away as much among others, one must, or there is no truth in arithmetical demonstration, ruin his adversary, if he is to meet him and to fight with him every third year. It will be said I do not allow for the operation of character; but I do; and I know it will have its weight in most elections; perhaps it may be decisive in some. But there are few in which it will prevent great expenses.

The destruction of independent fortunes will be the consequence on the part of the candidate. What will be the consequence of triennial corruption, triennial drunkenness, triennial idleness, triennial law-suits, litigations, prosecutions, triennial frenzy, of society dissolved, industry interrupted, ruined; of those personal hatreds that will never be suffered to soften; those animosities and feuds, which will be rendered immortal; those quarrels which are never to be appeased; morals vitiated and gangrened to the vitals? I think no stable and useful advantages were ever made by the money got at elections by the voter, but all he gets is doubly lost to the public; it is money given to diminish the general stock of the community, which is in the industry of the subject. I am sure that it is a good while before he or his family settle again to their business. Their heads will never cool; the temptations of elections will be for ever glittering before their eyes. They will all grow politicians; every one

quitting his business will choose to enrich himself by his vote. They will all take the gauging-rod; new places will be made for them; they will run to the custom-house quay, their looms and ploughs will be deserted.

So was Rome destroyed by the disorders of continual elections, though those of Rome were sober disorders. They had nothing but faction, bribery, bread and stage plays, to debauch them. We have the inflammation of liquor superadded, a fury hotter than any of them. There the contest was only between citizen and citizen; here you have the contests of ambitious citizens of one side, supported by the crown, to oppose to the efforts (let it be so) of private and unsupported ambition on the other. Yet Rome was destroyed by the frequency and charge of elections, and the monstrous expense of an unremitted courtship to the people. I think, therefore, the independent candidate and elector may each be destroyed by it; the whole body of the community be an infinite sufferer; and a vicious ministry the only gainer. Gentlemen, I know, feel the weight of this argument; they agree, that this would be the consequence of more frequent elections, if things were to continue as they are. But they think the greatness and frequency of the evil would itself be a remedy for it; that, sitting but for a short time, the member would not find it worth while to make such vast expenses, while the fear of their constituents will hold them the more effectually to their duty.

To this I answer, that experience is full against them. This is no new thing; we have had triennial parliaments; at no period of time were seats more eagerly contested. The expenses of elections ran higher, taking the state of all charges, than they do now. The expense of entertainments was such, that an act, equally severe and ineffectual, was made against it; every monument of the time bears witness of the expense, and most of the acts against corruption in elections were then made; all the writers talked of it and lamented it. Will any one think, that a corporation will be contented with

a bowl of punch, or a piece of beef the less, because elections are every three, instead of every seven years? Will they change their wine for ale, because they are to get more ale three years hence? Don't think it. Will they make fewer demands for the advantages of patronage in favours and offices, because their member is brought more under their power? We have not only our own historical experience in England upon this subject, but we have the experience co-existing with us in Ireland: where, since their parliament has been shortened, the expense of elections has been so far from being lowered, that it has been very near doubled. Formerly they sat for the king's life; the ordinary charge of a seat in parliament was then 1500*l.* They now sit eight years, four sessions; it is now 2500*l.*, and upwards. The spirit of *emulation* has also been extremely increased, and all who are acquainted with the tone of that country, have no doubt that the spirit is still growing; that new candidates will take the field; that the contests will be more violent, and the expenses of elections larger than ever.

It never can be otherwise. A seat in this House, for good purposes, for bad purposes, for no purposes at all (except the mere consideration derived from being concerned in the public counsels, will ever be a first-rate object of ambition in England. Ambition is no exact calculator. Avarice itself does not calculate strictly, when it games. One thing is certain, that in this political game the great lottery of power is that into which men will purchase with millions of chances against them. In Turkey, where the place, where the fortune, where the head itself, are so insecure, that scarcely any have died in their beds for ages, so that the bowstring is the natural death of bashaws; yet in no country is power and distinction (precarious enough, God knows, in all) sought for with such boundless avidity, as if the value of place was enhanced by the danger and insecurity of its tenure. Nothing will ever make a seat in this House not an object of desire to numbers by any means or at any charge, but the depriving it of all power and all dignity;

this would do it. This is the true and only nostrum for that purpose. But a House of Commons without power and without dignity, either in itself or in its members, is no House of Commons for the purposes of this constitution.

But they will be afraid to act ill if they know that the day of their account is always near. I wish it were true; but it is not; here again we have experience, and experience is against us. The distemper of this age is a poverty of spirit and of genius; it is trifling, it is futile, worse than ignorant, superficially taught; with the politics and morals of girls at a boarding-school, rather than of men and statesmen; but it is not yet desperately wicked, or so scandalously venal as in former times. Did not a triennial parliament give up the national dignity, approve the peace of Utrecht, and almost give up every thing else in taking every step to defeat the Protestant succession? Was not the constitution saved by those who had no election at all to go to, the Lords, because the court applied to electors, and by various means carried them from their true interests: so that the Tory ministry had a majority without an application to a single member? Now as to the conduct of the members, it was then far from pure and independent. Bribery was infinitely more flagrant. A predecessor of yours, Mr. Speaker, put the question of his own expulsion for bribery. Sir William Musgrave was a wise man; a grave man; an independent man; a man of good fortune and good family; however he carried on while in opposition a traffic, a shameful traffic with the ministry. Bishop Burnet knew of 6000*l.*, which he had received at one payment. I believe the payment of sums in hard money, plain naked bribery, is rare amongst us. It was then far from uncommon.

A triennial was near ruining, a septennial parliament saved, your constitution; nor perhaps have you ever known a more flourishing period for the union of national prosperity, dignity, and liberty, than the sixty years you have passed under that constitution of parliament.

The shortness of time in which they are to reap the profits of iniquity, is far from checking the avidity of corrupt men; it renders them infinitely more ravenous. They rush violently and precipitately on their object; they lose all regard to decorum. The moments of profits are precious; never are men so wicked as during a general mortality. It was so in the great plague at Athens; every symptom of which (and this its worse symptom amongst the rest) is so finely related by a great historian of antiquity. It was so in the plague of London in 1665. It appears in soldiers, sailors, &c. Whoever would contrive to render the life of man much shorter than it is, would, I am satisfied, find the surest receipt for increasing the wickedness of our nature.

Thus, in my opinion, the shortness of a triennial sitting would have the following ill effects; it would make the member more shamelessly and shockingly corrupt; it would increase his dependence on those who could best support him at his election; it would wrack and tear to pieces the fortunes of those who stood upon their own fortunes and their private interest; it would make the electors infinitely more venal; and it would make the whole body of the people who are, whether they have votes or not, concerned in elections. more lawless, more idle, more debauched; it would utterly destroy the sobriety, the industry, the integrity, the simplicity of all the people; and undermine, I am much afraid, the deepest and best laid foundations of the commonwealth.

Those who have spoken and written upon this subject without doors, do not so much deny the probable existence of these inconveniences in their measure, as they trust for their prevention to remedies of various sorts, which they propose. First, a place bill; but if this will not do, as they fear it will not, then they say we will have a rotation, and a certain number of you shall be rendered incapable of being elected for ten years. Then for the electors, they shall ballot; the members of parliament also shall decide by ballot; a fifth project is the change of the present legal representation of the

kingdom. On all this I shall observe, that it will be very unsuitable to your wisdom to adopt the project of a bill, to which there are objections insuperable by any thing in the bill itself, upon the hope that those objections may be removed by subsequent projects; every one of which is full of difficulties of its own, and which are all of them very essential alterations in the constitution. This seems very irregular and unusual. If any thing should make this a very doubtful measure, what can make it more so than that, in the opinion of its advocates, it would aggravate all our old inconveniences in such a manner as to require a total alteration in the constitution of the kingdom? If the remedies are proper in triennial, they will not be less so in septennial elections; let us try them first; see how the House relishes them; see how they will operate in the nation; and then, having felt your way and prepared against these inconveniences * * * * * *

The honourable gentleman sees that I respect the principle upon which he goes, as well as his intentions and his abilities. He will believe that I do not differ from him wantonly, and on trivial grounds. He is very sure, that it was not his embracing one way, which determined me to take the other. *I* have not in newspapers, to derogate from his fair fame with the nation, printed the first rude sketch of his bill with ungenerous and invidious comments. *I* have not, in conversations industriously circulated about the town, and talked on the benches of this House, attributed his conduct to motives low and unworthy, and as groundless as they are injurious. *I* do not affect to be frightened with this proposition, as if some hideous spectre had started from hell, which was to be sent back again by every form of exorcism, and every kind of incantation. *I* invoke no Acheron to overwhelm him in the whirlpools of its muddy gulf. *I* do not tell the respectable mover and seconder, by a perversion of their sense and expressions, that their proposition halts between the ridiculous and the dangerous. *I* am not one of those who start up, three at a time, and fall

upon and strike at him with so much eagerness, that our daggers hack one another in his sides. My honourable friend has not brought down a spirited imp of chivalry to win the first achievement and blazon of arms on his milk-white shield in a field listed against him; nor brought out the generous offspring of lions, and said to them—not against that side of the forest, beware of that—here is the prey where you are to fasten your paws; and seasoning his unpractised jaws with blood, tell him—this is the milk, for which you are to thirst hereafter. *We* furnish at his expense no holiday, nor suspend hell, that a crafty Ixion may have rest from his wheel; nor give the common adversary, if he be a common adversary, reason to say, I would have put in my word to oppose, but the eagerness of your allies in your social war was such that I could not break in upon you. I hope he sees and feels, and that every member sees and feels along with him, the difference between amicable dissent and civil discord.

SPEECH

On a Motion made in the House of Commons, the 7th of May, 1782, *for a Committee to inquire into the state of the Representation of the Commons in Parliament.*

Mr. Speaker,

We have now discovered, at the close of the eighteenth century, that the constitution of England, which for a series of ages had been the proud distinction of this country, always the admiration, and sometimes the envy of the wise and learned in every other nation, we have discovered that this boasted constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabric of the British constitution. It is singular that they report nothing against the crown, nothing against the lords; but in the House of Commons every thing is unsound; it is ruinous in every part. It is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it is to remove that opinion, to take away all reverence, all confidence from it; and then, at the first blast of public discontent and popular tumult, it tumbles to the ground.

In considering this question they who oppose it oppose it on different grounds; one is, in the nature of a previous question; that some alterations may be expedient, but that this is not the time for making them.

The other is, that no essential alterations are at all wanting: and that neither *now*, nor at *any* time, is it prudent or safe to be meddling with the fundamental principles, and ancient tried usages of our constitution—that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be; and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

On the other side there are two parties, who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right on the supposed rights of man as man; this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is, that the representation is not so politically framed as to answer the theory of its institution. As to the claim of *right*, the meanest petitioner, the most gross and ignorant, is as good as the best; in some respects his claim is more favourable on account of his ignorance; his weakness, his poverty and distress, only add to his titles; he sues *in forma pauperis*; he ought to be a favourite of the court. But when the *other* ground is taken, when the question is political, when a new constitution is to be made on a sound theory of government, then the presumptuous pride of didactic ignorance is to be excluded from the counsel in this high and arduous matter, which often bids defiance to the experience of the wisest. The first claims a personal representation, the latter rejects it with scorn and fervour. The language of the first party is plain and intelligible; they who plead an absolute right cannot be satisfied with any thing short of personal representation, because all *natural* rights must be the rights of individuals; as by *nature* there is no such thing as politic or corporate personality; all these ideas are mere fictions of law, they are creatures of voluntary institution; men as men are individuals, and nothing else. They, therefore, who reject the principle of natural and personal

representation, are essentially and eternally at variance with those who claim it. As to the first sort of reformers, it is ridiculous to talk to them of the British constitution upon any or upon all of its bases; for they lay it down that every man ought to govern himself, and that where he cannot go himself, he must send his representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right but our duty to resist it. Nine-tenths of the reformers argue thus, that is, on the natural right. It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons, in that light, undoubtedly is no representative of the people, as a collection of individuals. Nobody pretends it, nobody can justify such an assertion. When you come to examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitively short of the principle of the demand. What! one-*third* only of the legislature, and of the government no share at all? What sort of treaty of partition is this for those who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat; for how comes only a third to be their younger children's fortune in this settlement? How came they neither to have the choice of kings, or lords, or judges, or generals, or admirals, or bishops, or priests, or ministers, or justices of peace? Why, what have you to answer in favour of the prior rights of the crown and peerage but this—our constitution is a prescriptive constitution; it is a constitution whose sole authority is, that it has existed time out of mind. It is settled in these *two* portions against one, legislatively; and in the whole of the judicature, the whole of the federal capacity, of the executive, the prudential and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the crown settled on any adjudication in favour of natural rights,

for they could never be so partitioned. Your king, your lords, your judges, your juries, grand and little, are all prescriptive; and what proves it, is, the disputes not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favour of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation, far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent and individual momentary aggregation, but it is an idea of continuity which extends in time as well as in numbers and in space. And this is a choice not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a constitution made by what is ten thousand times better than choice, it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment which accommodates itself to the body. Nor is prescription of government formed upon blind unmeaning prejudices—for man is a most unwise and a most wise being. The individual is foolish. The multitude, for the moment, is foolish when they act without deliberation; but the species is wise, and when time is given to it, as a species, it almost always acts right.

The reason for the crown as it is, for the lords as they are, is my reason for the commons as they are, the electors as they are. Now if the crown, and the lords, and the judicatures, are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our electors have their powers and

privileges both made and circumscribed by prescription, as much to the full as the other parts; and as such we have always claimed them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively—just like the rest. This prescription has made it essentially what it is, an aggregate collection of three parts, knights, citizens, burgesses. The question is, whether this has been always so, since the House of Commons has taken its present shape and circumstances, and has been an essential operative part of the constitution; which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative: and then another question arises, whether this House stands firm upon its ancient foundations, and is not, by time and accidents, so declined from its perpendicular, as to want the hand of the wise and experienced architects of the day to set it upright again, and to prop and buttress it up for duration;—whether it continues true to the principles upon which it has hitherto stood;—whether this be *de facto* the constitution of the House of Commons, as it has been since the time that the House of Commons has, without dispute, become a necessary and an efficient part of the British constitution? To ask whether a thing which has always been the same stands to its usual principle, seems to me to be perfectly absurd; for how do you know the principles but from the construction? and if that remains the same, the principles remain the same. It is true that to say your constitution is what it has been, is no sufficient defence for those who say it is a bad constitution. It is an answer to those who say that it is a degenerate constitution. To those who say it is a bad one, I answer, look to its effects. In all moral machinery, the moral results are its test.

On what grounds do we go to restore our constitution to what it has been at some given period, or to reform and re-construct it upon principles more conformable to a sound theory of government? A prescriptive govern-

ment, such as ours, never was the work of any legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning, and a perfect confusion of ideas, to take the theories which learned and speculative men have made from that government, and then supposing it made on those theories which were made from it, to accuse the government as not corresponding with them. I do not vilify theory and speculation—no, because that would be to vilify reason itself. *Neque decipitur ratio, neque decipit unquam.* No; whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded, or imperfect theory; and one of the ways of discovering that it is a false theory, is by comparing it with practice. This is the true touchstone of all theories which regard man and the affairs of men—does it suit his nature in general;—does it suit his nature as modified by his habits?

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence that this very thing, which is stated as a horrible thing, is the means of the preservation of our constitution whilst it lasts; of curing it of many of the disorders which, attending every species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. If you reject personal representation, you are pushed upon expedience; and then what they wish us to do is, to prefer their speculations on that subject to the happy experience of this country of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this, for one, I will not do. Then what is the standard of expedience? Expedience is that which is good for the community, and good for every individual in it. Now this expedience is the *desideratum*, to be sought either without the experience of means, or with that experience. If without, as in case of the fabrication of a new commonwealth, I will hear the learned arguing what promises

to be expedient: but if we are to judge of a commonwealth actually existing, the first thing I inquire is, what has been *found* expedient or inexpedient? And I will not take their *promise* rather than the *performance* of the constitution.

* * * But no, this was not the cause of the discontents. I went through most of the northern parts,—the Yorkshire election was then raging; the year before, through most of the western counties—Bath, Bristol, Gloucester,—not one word, either in the towns or country, on the subject of representation: much on the receipt tax, something on Mr. Fox's ambition; much greater apprehension of danger from thence than from want of representation. One would think that the ballast of the ship was shifted with us, and that our constitution had the gunnel under water. But can you fairly and distinctly point out what one evil or grievance has happened, which you can refer to the representative not following the opinion of his constituents? What one symptom do we find of this inequality? But it is not an arithmetical inequality with which we ought to trouble ourselves. If there be a moral, a political equality, this is the *desideratum* in our constitution, and in every constitution in the world. Moral inequality is as between places and between classes. Now, I ask, what advantage do you find that the places, which abound in representation, possess over others in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness, the ends for which society was formed? Are the local interests of Cornwall and Wiltshire, for instance, their roads, canals, their prisons, their police, better than Yorkshire, Warwickshire, or Staffordshire? Warwick has members; is Warwick or Stafford more opulent, happy, or free, than Newcastle, or than Birmingham? Is Wiltshire the pampered favourite, whilst Yorkshire, like the child of the bondwoman, is turned out to the desert? This is like the unhappy persons who live, if they can be said to live, in

the statical chair; who are ever feeling their pulse, and who do not judge of health by the aptitude of the body to perform its functions, but by their ideas of what ought to be the true balance between the several secretions. Is a committee of Cornwall, &c., thronged, and the others deserted? No. You have an equal representation, because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy; and, perhaps, these places, furnishing a superfluity of public agents and administrators, (whether in strictness they are representatives or not, I do not mean to inquire, but they are agents and administrators,) will stand clearer of local interests, passions, prejudices, and cabals, than the others, and therefore preserve the balance of the parts, and with a more general view, and a more steady hand, than the rest. * * * * *

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover, not by what he says, but by the principles he lays down. I mean, says he, a moderate and temperate reform; that is, I mean to do as little good as possible. If the constitution be what you represent it, and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer indeed! generous donor! What is the cause of this parsimony of the liberty which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those who are to receive it, and which in the end will leave them no liberty at all. I think so too; they know it, and they feel it. The question is then what is the standard of that extreme? What that gentleman, and the associations, or some parts of their phalanxes, think proper? Then our liberties are in their pleasure; it depends on their arbitrary will how far I shall be free. I will have none of that freedom. If, therefore, the standard of moderation be sought for, I will seek for it. Where?

Not in their fancies, nor in my own: I will seek for it where I know it is to be found, in the constitution I actually enjoy. Here it says to an encroaching prerogative,—your sceptre has its length, you cannot add a hair to your head, or a gem to your crown, but what an eternal law has given to it. Here it says to an overweening peerage,—your pride finds banks that it cannot overflow: here to a tumultuous and giddy people, —there is a bound to the raging of the sea. Our constitution is like our island, which uses and restrains its subject sea; in vain the waves roar. In that constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know too, and I bless God for, my safe mediocrity; I know that, if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot by royal favour, or by popular delusion, or by oligarchical cabal, elevate myself above a certain very limited point, so as to endanger my own fall, or the ruin of my country. I know there is an order that keeps things fast in their place; it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these reformers is to prepare the destruction of the constitution, by disgracing and discrediting the House of Commons. For they think, prudently, in my opinion, that if they can persuade the nation that the House of Commons is so constituted as not to secure the public liberty; not to have a proper connexion with the public interests; so constituted, as not either actually or virtually to be the representative of the people, it will be easy to prove that a government composed of a monarchy, an oligarchy chosen by the crown, and such a House of Commons,

whatever good can be in such a system, can by no means be a system of free government.

The constitution of England is never to have a quietus; it is to be continually vilified, attacked, reproached, resisted; instead of being the hope and sure anchor in all storms, instead of being the means of redress to all grievances, itself is the grand grievance of the nation, our shame instead of our glory. If the only specific plan proposed, individual personal representation, is directly rejected by the person who is looked on as the great support of this business, then the only way of considering it is a question of convenience. An honourable gentleman prefers the individual to the present. He therefore himself sees no middle term whatsoever, and therefore prefers of what he sees the individual; this is the only thing distinct and sensible that has been advocated. He has then a scheme, which is the individual representation; he is not at a loss, not inconsistent—which scheme the other right honourable gentleman reprobates. Now what does this go to, but to lead directly to anarchy? For to discredit the only government, which he either possesses or can project, what is this but to destroy all government; and this is anarchy. My right honourable friend, in supporting this motion, disgraces his friends and justifies his enemies, in order to blacken the constitution of his country, even of that House of Commons which supported him. There is a difference between a moral or political exposure of a public evil relative to the administration of government, whether in men or systems, and a declaration of defects, real or supposed, in the fundamental constitution of your country. The first may be cured in the individual by the motives of religion, virtue, honour, fear, shame, or interest. Men may be made to abandon also false systems, by exposing their absurdity or mischievous tendency to their own better thoughts, or to the contempt or indignation of the public; and after all, if they should exist, and exist uncorrected, they only disgrace individuals as fugitive opinions. But it is quite otherwise with

the frame and constitution of the state; if that is disgraced, patriotism is destroyed in its very source. No man has ever willingly obeyed, much less was desirous of defending with his blood, a mischievous and absurd scheme of government. Our first, our dearest, most comprehensive relation, our country, is gone.

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarrelling about the character, or about the conduct of men, or the tenor of measures; but we are grown out of humour with the English constitution itself; this is become the object of the animosity of Englishmen. This constitution in former days used to be the admiration and the envy of the world; it was the pattern for politicians; the theme of the eloquent; the meditation of the philosopher in every part of the world. As to Englishmen, it was their pride, their consolation. By it they lived, for it they were ready to die. Its defects, if it had any, were partly covered by partiality, and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation. It is despised and rejected of men; and every device and invention of ingenuity, or idleness, set up in opposition or in preference to it. It is to this humour, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this country meet upon the theory of our frame of government, to sit in judgment on the constitution of our country, to call it as a delinquent before us, and to accuse it of every defect and every vice; to see whether it, an object of our veneration, even our adoration, did or did not accord with a preconceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of parliament. It is for fear of losing the inestimable treasure we have, that I do not venture to game it out of my hands for the vain hope of improving it. I look with filial reverence on the constitution of my country, and never will cut it in pieces,

and put it into the kettle of any magician, in order to boil it, with the puddle of their compounds, into youth and vigour. On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.

SPEECH

On a Motion, made by the Right Hon. Wm. Dowdeswell, for leave to bring in a Bill for explaining the Powers of Juries in Prosecutions for Libels [1].

I HAVE always understood, that a superintendence over the doctrines as well as the proceedings of the courts of justice, was a principal object of the constitution of this House; that you were to watch at once over the lawyer and the law; that there should be an orthodox faith as well as proper works: and I have always looked with a degree of reverence and admiration on this mode of superintendence. For being totally disengaged from the detail of juridical practice, we come something perhaps the better qualified, and certainly much the better disposed, to assert the genuine principle of the laws; in which we can, as a body, have no other than an enlarged and a public interest. We have no common cause of a professional attachment or professional emulations, to bias our minds; we have no foregone opinions, which from obstinacy and false point of honour we think ourselves at all events obliged to support. So that with our own minds perfectly disengaged from the exercise, we may superintend the execution of the national justice; which from this circumstance is better secured to the people than in any other country under heaven it can

[1] This speech was delivered on a motion, made by Mr. Dowdeswell, for leave to bring in a bill to ascertain the power of juries in prosecutions for libels; against which the question of adjournment was carried, on the 7th of March, 1771.

be. As our situation puts us in a proper condition, our power enables us to execute this trust. We may, when we see cause of complaint, administer a remedy; it is in our choice by an address to remove an improper judge, by impeachment before the peers to pursue to destruction a corrupt judge, or by bill to assert, to explain, to enforce, or to reform the law, just as the occasion and necessity of the case shall guide us. We stand in a situation very honourable to ourselves and very useful to our country, if we do not abuse or abandon the trust that is placed in us.

The question now before you is upon the power of juries in prosecuting for libels. There are four opinions:—1. That the doctrine as held by the courts is proper and constitutional, and therefore should not be altered. 2. That it is neither proper nor constitutional, but that it will be rendered worse by your interference. 3. That it is wrong, but that the only remedy is a bill of retrospect. 4. The opinion of those who bring in the bill, that the thing is wrong, but that it is enough to direct the judgment of the court in future.

The bill brought in is for the purpose of asserting and securing a great object in the juridical constitution of this kingdom; which from a long series of practices and opinions in our judges has *in one point*, and in one very essential point, deviated from the true principle.

It is the very ancient privilege of the people of England, that they shall be tried, except in the known exceptions, not by judges appointed by the crown, but by their own fellow-subjects, the peers of that county court at which they owe their suit and service; and out of this principle the trial by juries has grown. This principle has not, that I can find, been contested in any case by any authority whatsoever; but there is one case in which, without directly contesting the principle, the whole substance, energy, and virtue of the privilege is taken out of it; that is, in the case of a trial by indictment or information for a libel. The doctrine in that case, laid down by several judges,

amounts to this, that the jury have no competence where a libel is alleged, except to find the gross corporeal facts of the writing and the publication, together with the identity of the things and persons to which it refers; but that the intent and the tendency of the work, in which intent and tendency the whole criminality consists, is the sole and exclusive province of the judge. Thus having reduced the jury to the cognizance of facts, not in themselves presumptively criminal, but actions neutral and indifferent, the whole matter in which the subject has any concern or interest, is taken out of the hands of the jury: and if the jury take more upon themselves, what they so take is contrary to their duty; it is no *moral*, but a merely *natural* power; the same by which they may do any other improper act, the same by which they may even prejudice themselves with regard to any other part of the issue before them. Such is the matter, as it now stands in possession of your highest criminal courts, handed down to them from very respectable legal ancestors. If this can once be established in this case, the application in principle to other cases will be easy; and the practice will run upon a descent, until the progress of an encroaching jurisdiction (for it is in its nature to encroach, when once it has passed its limits) coming to confine the juries, case after case, to the corporeal fact, and to that alone, and excluding the intention of mind, the only source of merit and demerit, of reward or punishment, juries become a dead letter in the constitution.

For which reason it is high time to take this matter into the consideration of parliament: and for that purpose it will be necessary to examine, first, whether there is any thing in the peculiar nature of this crime, that makes it necessary to exclude the jury from considering the intention in it, more than in others. So far from it, that I take it to be much less so from the analogy of other criminal cases, where no such restraint is ordinarily put upon them. The act of homicide is *prima facie* criminal. The intention is afterwards to appear, for the jury to acquit or condemn. In burglary

do they insist, that the jury have nothing to do but to find the taking of goods, and that if they do, they must necessarily find the party guilty, and leave the rest to the judge; and that they have nothing to do with the word *felonicè* in the indictment?

The next point is to consider it as a question of constitutional policy; that is, whether the decision of the question of libel ought to be left to the judges as a presumption of law, rather than to the jury as matter of popular judgment, as the malice in the case of murder; the felony in the case of stealing. If the intent and tendency are not matters within the province of popular judgment, but legal and technical conclusions formed upon general principles of law, let us see what they are. Certainly they are most unfavourable, indeed totally adverse, to the constitution of this country.

Here we must have recourse to analogies; for we cannot argue on ruled cases one way or the other. See the history. The old books, deficient in general in crown cases, furnish us with little on this head. As to the crime, in the very early Saxon law, I see an offence of this species called folk-leasing, made a capital offence, but no very precise definition of the crime, and no trial at all: see the statute of 3rd Edward I. cap. 34. The law of libels could not have arrived at a very early period in this country. It is no wonder, that we find no vestige of any constitution from authority, or of any deductions from legal science in our old books and records upon that subject. The statute of *scandalum magnatum* is the oldest that I know, and this goes but a little way in this sort of learning. Libelling is not the crime of an illiterate people. When they were thought no mean clerks, who could read and write; when he who could read and write was presumptively a person in holy orders, libels could not be general, or dangerous; and scandals merely *oral* could *spread* little, and must *perish* soon. It is writing, it is printing more emphatically, that imps calumny with those eagle wings, on which, as the

poet says, "immortal slanders fly." By the press they spread, they last, they leave the sting in the wound. Printing was not known in England much earlier than the reign of Henry VII., and in the third year of that reign the court of Star-chamber was established. The press and its enemy are nearly coeval. As no positive law against libels existed, they fell under the indefinite class of misdemeanors. For the trial of misdemeanors that court was instituted; their tendency to produce riots and disorders was a main part of the charge, and was laid, in order to give the court jurisdiction chiefly against libels. The offence was new. Learning of their own upon the subject they had none; and they were obliged to resort to the only emporium where it was to be had, the Roman law. After the Star-chamber was abolished in the 10th of Charles I, its authority indeed ceased, but its maxims subsisted and survived it. The spirit of the Star-chamber has transmigrated and lived again; and Westminster-hall was obliged to borrow from the Star-chamber, for the same reasons as the Star-chamber had borrowed from the Roman forum, because they had no law, statute, or tradition of their own. Thus the Roman law took possession of our courts; I mean its doctrine, not its sanctions; the severity of capital punishment was omitted, all the rest remained. The grounds of these laws are just and equitable. Undoubtedly the good fame of every man ought to be under the protection of the laws, as well as his life, and liberty, and property. Good fame is an outwork that defends them all, and renders them all valuable. The law forbids you to revenge; when it ties up the hands of some, it ought to restrain the tongues of others. The good fame of government is the same; it ought not to be traduced. This is necessary in all government; and if opinion be support, what takes away this destroys that support; but the liberty of the press is necessary to this government.

The wisdom, however, of government is of more importance than the laws. I should study the temper

of the people before I ventured on actions of this kind. I would consider the whole of the prosecution of a libel of such importance as Junius, as one piece, as one consistent plan of operations: and I would contrive it so, that, if I were defeated, I should not be disgraced; that even my victory should not be more ignominious than my defeat; I would so manage that the lowest in the predicament of guilt should not be the only one in punishment. I would not inform against the mere vendor of a collection of pamphlets. I would not put him to trial first, if I could possibly avoid it. I would rather stand the consequences of my first error, than carry it to a judgment, that must disgrace my prosecution, or the court. We ought to examine these things in a manner which becomes ourselves, and becomes the object of the inquiry; not to examine into the most important consideration which can come before us, with minds heated with prejudice, and filled with passions, with vain popular opinions and humours; and when we propose to examine into the justice of others, to be unjust ourselves.

An inquiry is wished, as the most effectual way of putting an end to the clamours and libels, which are the disorder and disgrace of the times. For people remain quiet, they sleep secure, when they imagine that the vigilant eye of a censorial magistrate watches over all the proceedings of judicature; and that the sacred fire of an eternal constitutional jealousy, which is the guardian of liberty, law, and justice, is alive night and day, and burning in this House. But when the magistrate gives up his office and his duty, the people assume it, and they inquire too much, and too irreverently, because they think their representatives do not inquire at all.

We have in a libel, 1st, The writing. 2nd, The communication, called by the lawyers the publication. 3rd. The application to persons and facts. 4th. The intent and tendency. 5th. The matter,—diminution of fame. The law-presumptions on all these are in the communication. No intent can make a defamatory

publication good, nothing can make it have a good tendency; truth is not pleadable. Taken *juridically* the foundation of these law-presumptions is not unjust; taken *constitutionally* they are ruinous, and tend to the total suppression of all publication. If juries are confined to the fact, no writing which censures, however justly or however temperately, the conduct of the administration, can be unpunished. Therefore if the intent and tendency be left to the judge, as legal conclusions growing from the fact, you may depend upon it you can have no public discussion of a public measure; which is a point which even those who are most offended with the licentiousness of the press (and it is very exorbitant, very provoking) will hardly contend for.

So far as to the first opinion, that the doctrine is right, and needs no alteration. 2nd. The next is, that it is wrong, but that we are not in a condition to help it. I admit it is true, that there are cases of a nature so delicate and complicated, that an act of parliament on the subject may become a matter of great difficulty. It sometimes cannot define with exactness; because the subject-matter will not bear an exact definition. It may seem to *take away* every thing which it does not positively *establish*, and this might be inconvenient; or it may seem, vice versa, to *establish* every thing which it does not *expressly take away*. It may be more advisable to leave such matters to the enlightened discretion of a judge, awed by a censorial House of Commons. But then it rests upon those who object to a legislative interposition to prove these inconveniences in the particular case before them. For it would be a most dangerous, as it is a most idle and most groundless conceit, to assume as a general principle, that the rights and liberties of the subject are impaired by the care and attention of the legislature to secure them. If so, very ill would the purchase of Magna Charta have merited the deluge of blood, which was shed in order to have the body of English privileges defined by a positive written law. This charter, the inestimable monument of English freedom, so long

the boast and glory of this nation, would have been at once an instrument of our servitude, and a monument of our folly, if this principle were true. The thirty-four confirmations would have been only so many repetitions of their absurdity, so many new links in the chain, and so many invalidations of their right.

You cannot open your statute-book without seeing positive provisions relative to every right of the subject. The business of juries is the subject of not fewer than a dozen. To suppose that juries are something innate in the constitution of Great Britain, that they have jumped, like Minerva, out of the head of Jove in complete armour, is a weak fancy supported neither by precedent nor by reason. Whatever is most ancient and venerable in our constitution, royal prerogative, privileges of parliament, rights of elections, authority of courts, juries, must have been modelled according to the occasion. I spare your patience, and I pay a compliment to your understanding, in not attempting to prove that any thing so elaborate and artificial as a jury was not the work of *chance*, but a matter of institution brought to its present state by the joint efforts of legislative authority and juridical prudence. It need not be ashamed of being (what in many parts of it at least it is) the offspring of an act of parliament, unless it is a shame for our laws to be the results of our legislature. Juries, which sensitively shrink from the rude touch of parliamentary remedy, have been the subject of not fewer than, I think, forty-three acts of parliament, in which they have been changed with all the authority of a creator over its creature, from Magna Charta to the great alterations which were made in the 29th of George II.

To talk of this matter in any other way is to turn a rational principle into an idle and vulgar superstition, like the antiquary, Dr. Woodward, who trembled to have his shield scoured for fear it should be discovered to be no better than an old pot-lid. This species of tenderness to a jury puts me in mind of

a gentleman of good condition, who had been reduced to great poverty and distress; application was made to some rich fellows in his neighbourhood to give him some assistance; but they begged to be excused for fear of affronting a person of his high birth; and so the poor gentleman was left to starve out of pure respect to the antiquity of his family. From this principle has arisen an opinion, that I find current amongst gentlemen, that this distemper ought to be left to cure itself; that the judges having been well exposed, and something terrified on account of these clamours, will entirely change, if not very much relax from their rigour;—if the present race should not change, that the chances of succession may put other more constitutional judges in their place;—lastly, if neither should happen, yet that the spirit of an English jury will always be sufficient for the vindication of its own rights, and will not suffer itself to be overborne by the bench. I confess that I totally dissent from all these opinions. These suppositions become the strongest reasons with me to evince the necessity of some clear and positive settlement of this question of contested jurisdiction. If judges are so full of levity, so full of timidity, if they are influenced by such mean and unworthy passions, that a popular clamour is sufficient to shake the resolution they build upon the solid basis of a legal principle, I would endeavour to fix that mercury by a positive law. If to please an administration the judges can go one way to-day, and to please the crowd they can go another to-morrow; if they will oscillate backward and forward between power and popularity, it is high time to fix the law in such a manner as to resemble, as it ought, the great Author of all law, in whom there is no variableness nor shadow of turning.

As to their succession I have just the same opinion. I would not leave it to the chances of promotion, or to the characters of lawyers, what the law of the land, what the rights of juries, or what the liberty of the press should be. My law should not depend upon the

fluctuation of the closet, or the complexion of men. Whether a black-haired man or a fair-haired man presided in the Court of King's Bench, I would have the law the same; the same, whether he was born in *domo regnatrice*, and sucked from his infancy the milk of courts, or was nurtured in the rugged discipline of a popular opposition. This law of court cabal, and of party, this *mens quaedam nullo perturbata affectu*, this law of complexion, ought not to be endured for a moment in a country, whose being depends upon the certainty, clearness, and stability of institutions.

Now I come to the last substitute for the proposed bill, the spirit of juries operating their own jurisdiction. This I confess I think the worst of all, for the same reasons on which I objected to the others; and for other weighty reasons besides, which are separate and distinct. First, because juries, being taken at random out of a mass of men infinitely large, must be of characters as various as the body they arise from is large in extent. If the judges differ in their complexions, much more will a jury. A timid jury will give way to an awful judge delivering oracularly the law, and charging them on their oaths, and putting it home to their consciences to beware of judging, where the law had given them no competence. We know that they will do so, they have done so in a hundred instances; a respectable member of your own House, no vulgar man, tells you, that on the authority of a judge he found a man guilty, in whom at the same time he could find no guilt. But supposing them full of knowledge and full of manly confidence in themselves, how will their knowledge, or their confidence, inform or inspirit others? They give no reason for their verdict, they can but condemn or acquit; and no man can tell the motives on which they have acquitted or condemned. So that this hope of the power of juries to assert their own jurisdiction must be a principle blind, as being without reason, and as changeable as the complexion of men, and the temper of the times.

But, after all, is it fit that this dishonourable contention between the court and juries should subsist any longer? On what principle is it that a jury refuses to be directed by the court as to its *competence?* Whether a libel or no libel be a question of law or of fact may be doubtful, but a question of jurisdiction and competence is certainly a question of law; on this the court ought undoubtedly to judge, and to judge solely and exclusively. If they judge wrong from excusable error, you ought to correct it, as to-day it is proposed, by an explanatory bill; or if by corruption, by bill of *penalties* declaratory, and by punishment. What does a juror say to a judge when he refuses his opinion upon a question of judicature? You are so corrupt, that I should consider myself a partaker of your crime, were I to be guided by your opinion; or you are so grossly ignorant, that I, fresh from my hounds, from my plough, my counter, or my loom, am fit to direct you in your own profession. This is an unfitting, it is a dangerous, state of things. The spirit of any sort of men is not a fit *rule* for deciding on the bounds of their jurisdiction. First, because it is different in different men, and even different in the same at different times; and can never become the proper directing line of law; next, because it is not reason, but feeling; and when once it is irritated, it is not apt to confine itself within its proper limits. If it becomes not difference in opinion upon law, but a trial of spirit between parties, our courts of law are no longer the temple of justice, but the amphitheatre for gladiators. No—God forbid! Juries ought to take their law from the bench only; but it is *our* business that they should hear nothing from the bench but what is agreeable to the principles of the constitution. The jury are to hear the judge, the judge is to hear the law where it speaks plain; where it does not, he is to hear the legislature. As I do not think these opinions of the judges to be agreeable to those principles, I wish to take the only method in which they can or ought to be corrected by a bill.

Next, my opinion is, that it ought to be rather by a bill for removing controversies, than by a bill in the state of manifest and express declaration, and in words *de praeterito*. I do this upon reasons of equity and constitutional policy. I do not want to censure the present judges. I think them to be excused for their error. Ignorance is no excuse for a judge; it is changing the nature of his crime; it is not absolving. It must be such error as a wise and conscientious judge may possibly fall into, and must arise from one or both these causes—1. A plausible principle of law. 2. The precedents of respectable authorities, and in good times. In the first, the principle of law, that the judge is to decide on law, the jury to decide on fact, is an ancient and venerable principle and maxim of the law; and if supported in this application by precedents of good times and of good men, the judge, if wrong, ought to be corrected; he ought not to be reproved, or to be disgraced, or the authority or respect to your tribunals to be impaired. In cases in which declaratory bills have been made, where by violence and corruption some fundamental part of the constitution has been struck at; where they would damn the principle, censure the persons, and annul the acts—but where the law has been by the accident of human frailty depraved, or in a particular instance misunderstood, where you neither mean to rescind the acts nor to censure the persons, in such cases you have taken the explanatory mode, and, without condemning what is done, you direct the future judgment of the court.

All bills for the reformation of the law must be according to the subject-matter, the circumstances, and the occasion, and are of four kinds—1. Either the law is totally wanting, and then a new enacting statute must be made to supply that want. Or, 2. It is *defective*, then a new law must be made to enforce it. 3. Or it is opposed by power or fraud, and then an act must be made to declare it. 4. Or it is rendered doubtful and controverted, and then a law must be made to explain it. These must be applied according

to the exigence of the case; one is just as good as another of them. Miserable indeed would be the resources, poor and unfurnished the stores and magazines of legislation, if we were bound up to a little narrow form, and not able to frame our acts of parliament according to every disposition of our own minds and to every possible emergency of the commonwealth; to make them declaratory, enforcing, explanatory, repealing, just in what mode or in what degree we please.

Those who think that the judges living and dead are to be condemned; that your tribunals of justice are to be dishonoured; that their acts and judgments on this business are to be rescinded; they will undoubtedly vote against this bill, and for another sort.

I am not of the opinion of those gentlemen who are against disturbing the public repose; I like a clamour whenever there is an abuse. The fire-bell at midnight disturbs your sleep, but it keeps you from being burned in your bed. The hue and cry alarms the county, but it preserves all the property of the province. All these clamours aim at *redress*. But a clamour made merely for the purpose of rendering the people discontented with their situation, without an endeavour to give them a practical remedy, is indeed one of the worst acts of sedition.

I have read and heard much upon the conduct of our courts in the business of libels. I was extremely willing to enter into, and very free to act as facts should turn out on that inquiry, aiming constantly at remedy as the end of all clamour, all debate, all writing, and all inquiry; for which reason I did embrace, and do now with joy, this methed of giving quiet to the courts, jurisdiction to juries, liberty to the press, and satisfaction to the people. I thank my friends for what they have done; I hope the public will one day reap the benefit of their pious and judicious endeavours. They have now sown the seed; I hope they will live to see the flourishing harvest. Their bill is sown in weakness, it will, I trust, be reaped in power. And

then, however, we shall have reason to apply to them what my Lord Coke says was an aphorism continually in the mouth of a great sage of the law, "Blessed be not the complaining tongue, but *blessed be the amending hand.*"

LETTER

On Mr. Dowdeswell's Bill for explaining the Powers of Juries in Prosecutions for Libels [1].

An improper and injurious account of the bill brought into the House of Commons by Mr. Dowdeswell has lately appeared in one of the public papers. I am not at all surprised at it; as I am not a stranger to the views and politics of those who have caused it to be inserted.

Mr. Dowdeswell did *not bring in an enacting bill to give to juries*, as the account expresses it, *a power to try law and fact in matter of libel.* Mr. Dowdeswell brought in a bill to put an end to those doubts and controversies upon that subject, which have unhappily distracted our courts, to the great detriment of the public, and to the great dishonour of the national justice.

That it is the province of the jury, in informations and indictments for libels, to try nothing more than the fact of the composing, and of the publishing averments and inuendoes, is a doctrine held at present by all the judges of the King's Bench, probably by most of the judges of the kingdom. The same doctrine has been held pretty uniformly since the Revolution; and it prevails more or less with the jury, according to the degree of respect with which they are disposed to receive the opinions of the bench.

[1] The manuscript, from which this letter is taken, is in Mr. Burke's own handwriting, but it does not appear to whom it was addressed; nor is there any date affixed to it. It has been thought proper to insert it here as being connected with the subject of the foregoing speech.

This doctrine, which, when it prevails, tends to annihilate the benefit of trial by jury, and when it is rejected by juries tends to weaken and disgrace the authority of the judge, is not a doctrine proper for an English judicature. For the sake both of judge and jury the controversy ought to be quieted, and the law ought to be settled in a manner clear, definitive, and constitutional, by the only authority competent to it, the authority of the legislature.

Mr. Dowdeswell's bill was brought in for that purpose. It *gives* to the jury no *new* powers; but after reciting the doubts and controversies (which nobody denies actually to subsist), and after stating that if juries are not reputed competent to try the whole matter, the benefit of trial by jury will be of none or imperfect effect, it enacts, not that the jury *shall* have the *power*, but that they shall be *held and reputed in law and right competent* to try the whole matter laid in the information. The bill is directing to the judges concerning the opinion in law which they are known to hold upon this subject; and does not in the least imply that the jury were to derive a new right and power from that bill, if it should have passed into an act of parliament. The implication is directly to the contrary; and is as strongly conveyed as it is possible for those to do who state a doubt and controversy, without charging with criminality those persons who so doubted and so controverted.

Such a style is frequent in acts of this nature; and is that only which is suited to the occasion. An insidious use has been made of the words *enact* and *declare*, as if they were formal and operative words of force to distinguish different species of law producing different effects. Nothing is more groundless; and I am persuaded no lawyer will stand to such an assertion. The gentlemen who say that a bill ought to have been brought in upon the principle, and in the style, of the petition of right, and declaration of right, ought to consider how far the circumstances are the same in the two cases; and how far they are prepared to go

the whole lengths of the reason of those remarkable laws. Mr. Dowdeswell and his friends are of opinion that the circumstances are not the same, and that therefore the bill ought not to be the same.

It has been always disagreeable to the persons who compose that connexion to engage wantonly in a paper war, especially with gentlemen for whom they have an esteem, and who seem to agree with them in the great grounds of their public conduct: but they can never consent to purchase any assistance from any persons by the forfeiture of their own reputation. They respect public opinion; and therefore whenever they shall be called upon they are ready to meet their adversaries, as soon as they please, before the tribunal of the public, and there to justify the constitutional nature and tendency, the propriety, the prudence, and the policy of their bill. They are equally ready to explain and to justify all their proceedings in the conduct of it; equally ready to defend their resolution to make it one object (if ever they should have the power) in a plan of public reformation.

Your correspondent ought to have been satisfied with the assistance which his friends have lent to administration in defeating that bill. He ought not to make a feeble endeavour (I dare say, much to the displeasure of those friends) to disgrace the gentleman who brought it in. A measure proposed by Mr. Dowdeswell, seconded by Sir George Saville, and supported by their friends, will stand fair with the public, even though it should have been opposed by that list of names (respectable names I admit), which have been printed with so much parade and ostentation in your papers.

It is not true that Mr. Burke spoke in praise of Lord Mansfield. If he had found any thing in Lord Mansfield praiseworthy, I fancy he is not disposed to make an apology to any body for doing justice. Your correspondent's reason for asserting it is visible enough; and it is altogether in the strain of other misrepresentations. That gentleman spoke decently of the

judges, and he did no more; most of the gentlemen who debated, on both sides, held the same language; and nobody will think their zeal the less warm, or the less effectual, because it is not attended with scurrility and virulence.

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LIBEL BILL

WHEREAS doubts and controversies have arisen at various times concerning the right of jurors to try the whole matter laid in indictments and informations for seditious and other libels: and whereas trial by juries would be of none or imperfect effect, if the jurors were not held to be competent to try the whole matter aforesaid; for settling and clearing such doubts and controversies, and for securing to the subject the effectual and complete benefit of trial by juries in such indictments and informations; BE it enacted, &c. That jurors duly empannelled and sworn to try the issue between the king and defendant upon any indictment or information for a seditious libel, or a libel under any other denomination or description, shall be held and reputed competent to all intents and purposes, in law and in right, to try every part of the matter laid or charged in said indictment or information, comprehending the criminal intention of the defendant, and the evil tendency of the libel charged, as well as the mere fact of the publication thereof, and the application by inuendo of blanks, initial letters, pictures, and other devices; any opinion, question, ambiguity, or doubt to the contrary notwithstanding.

SPEECH

On the Second Reading of a Bill for the Repeal of the Marriage Act [1].

THIS act [*the Marriage Act*] stands upon *two* principles; one, that the power of marrying without consent of parents should not take place till twenty-one years of age; the other, that all marriages should be *public*.

The proposition of the honourable mover goes to the first; and undoubtedly his motives are fair and honourable; and even in that measure, by which he would take away paternal power, he is influenced to it by filial piety, and he is led into it by a natural, and to him inevitable, but real mistake, that the ordinary race of mankind advance as fast towards maturity of judgment and understanding as he does.

The question is not now whether the law ought to acknowledge and protect such a state of life as minority; nor whether the continuance, which is fixed for that state, be not improperly prolonged in the law of England. Neither of these in general are questioned. The only question is, whether matrimony is to be taken out of the general rule, and whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other engagement. Now it appears to me very clear that they ought not. It is a great mistake to think that mere *animal* propagation is the sole end of matrimony. Matrimony is instituted not only for the propa-

[1] This bill was brought into the House of Commons by Mr. Fox, June 1, 1781; and rejected, on the second reading, without a division.

gation of men, but for their nutrition, their education, their establishment; and for the answering of all the purposes of a rational and moral being; and it is not the duty of the community to consider alone of how many, but how useful citizens it shall be composed.

It is most certain, that men are well qualified for propagation long before they are sufficiently qualified even by bodily strength, much less by mental prudence, and by acquired skill in trades and professions, for the maintenance of a family. Therefore to enable and authorize any man to introduce citizens into the commonwealth, before a rational security can be given that he may provide for them and educate them as citizens ought to be provided for and educated, is totally incongruous with the whole order of society. Nay, it is fundamentally unjust; for a man that breeds a family without competent means of maintenance, incumbers other men with his children, and disables them so far from maintaining their own. The improvident marriage of one man becomes a tax upon the orderly and regular marriage of all the rest. Therefore those laws are wisely constituted, that give a man the use of all his faculties at one time; that they may be mutually subservient, aiding and assisting to each other: that the time of his completing his bodily strength, the time of mental discretion, the time of his having learned his trade, and the time at which he has the disposition of his fortune, should be likewise the time in which he is permitted to introduce citizens into the state, and to charge the community with their maintenance. To give a man a family during his apprenticeship, whilst his very labours belong to another; to give him a family when you do not give him a fortune to maintain it; to give him a family before he can contract any one of those engagements without which no business can be carried on, would be to burden the state with families without any security for their maintenance. When parents themselves marry their children, they become in some sort security to prevent the ill consequences. You have

this security in parental consent; the state takes its security in the knowledge of human nature. Parents ordinarily consider little the passion of their children and their present gratification. Don't fear the power of a father; it is kind to passion to give it time to cool. But their censures sometimes make me smile; sometimes, for I am very infirm, make me angry; *saepe bilem, saepe jocum movent.*

It gives me pain to differ on this occasion from many, if not most of those whom I honour and esteem. To suffer the grave animadversion and censorial rebuke of the honourable gentleman who made the motion; of him whose good nature and good sense the House look upon with a particular partiality; whose approbation would have been one of the highest objects of my ambition; this hurts me. It is said the Marriage Act is aristocratic. I am accused, I am told abroad, of being a man of aristocratic principles. If by aristocracy they mean the peers, I have no vulgar admiration, nor any vulgar antipathy towards them; I hold their order in cold and decent respect. I hold them to be an absolute necessity in the constitution; but I think they are only good when kept within their proper bounds. I trust whenever there has been a dispute between these Houses, the part I have taken has not been equivocal. If by the aristocracy, which indeed comes nearer to the point, they mean an adherence to the rich and powerful against the poor and weak, this would indeed be a very extraordinary part. I have incurred the odium of gentlemen in this House for not paying sufficient regard to men of ample property. When, indeed, the smallest rights of the poorest people in the kingdom are in question, I would set my face against any act of pride and power countenanced by the highest that are in it; and if it should come to the last extremity, and to a contest of blood, God forbid! God forbid!—my part is taken; I would take my fate with the poor, and low, and feeble. But if these people came to turn their liberty into a cloak for maliciousness, and to seek a privilege of exemption,

not from power, but from the rules of morality and virtuous discipline, then I would join my hand to make them feel the force, which a few, united in a good cause, have over a multitude of the profligate and ferocious.

I wish the nature of the ground of repeal were considered with a little attention. It is said the act tends to accumulate, to keep up the power of great families, and to add wealth to wealth. It may be that it does so. It is impossible that any principle of law or government useful to the community should be established without an advantage to those who have the greatest stake in the country. Even some vices arise from it. The same laws which secure property encourage avarice; and the fences made about honest acquisition are the strong bars which secure the hoards of the miser. The dignities of magistracy are encouragements to ambition, with all the black train of villanies which attend that wicked passion. But still we must have laws to secure property; and still we must have ranks and distinctions and magistracy in the state, notwithstanding their manifest tendency to encourage avarice and ambition.

By affirming the parental authority throughout the state, parents in high rank will generally aim at, and will sometimes have the means too of preserving their minor children from any but wealthy or splendid matches. But this authority preserves from a thousand misfortunes, which embitter every part of every man's domestic life, and tear to pieces the dearest ties in human society.

I am no peer, nor like to be—but am in middle life, in the mass of citizens; yet I should feel for a son who married a prostituted woman, or a daughter who married a dishonourable and prostituted man, as much as any peer in the realm.

You are afraid of the avaricious principle of fathers. But observe that the avaricious principle is here mitigated very considerably. It is avarice by proxy. it is avarice not working by itself, or for itself, but through the medium of parental affection, meaning

to procure good to its offspring. But the contest is not between love and avarice.

While you would guard against the possible operation of this species of benevolent avarice, the avarice of the father, you let loose another species of avarice; that of the fortune-hunter, unmitigated, unqualified. To show the motives, who has heard of a man running away with a woman not worth sixpence? Do not call this by the name of the sweet and best passion—love. It is robbery; not a jot better than any other.

Would you suffer the sworn enemy of his family, his life, and his honour, possibly the shame and scandal, and blot of human society, to debauch from his care and protection the dearest pledge that he has on earth, the sole comfort of his declining years, almost in infantine imbecility; and with it to carry into the hands of his enemy, and the disgrace of nature, the dear-earned substance of a careful and laborious life? Think of the daughter of an honest virtuous parent allied to vice and infamy. Think of the hopeful son tied for life by the meretricious arts of the refuse of mercenary and promiscuous lewdness. Have mercy on the youth of both sexes; protect them from their ignorance and inexperience; protect one part of life by the wisdom of another; protect them by the wisdom of laws and the care of nature.

SPEECH

On a Motion for leave to bring in a Bill to quiet the Possessions of the Subject against dormant Claims of the Church [1].

If I considered this bill as an attack upon the church, brought in for the purpose of impoverishing and weakening the clergy, I should be one of the foremost in an early and vigorous opposition to it.

I admit the same reasons do not press for limiting the claims of the church, that existed for limiting the crown by that wisest of all laws which has secured the property, the peace, and the freedom of this country from the most dangerous mode of attack, which could be made upon them all.

I am very sensible of the propriety of maintaining that venerable body with decency (and with more than mere decency). I would maintain it according to the ranks wisely established in it with that sober and temperate splendour, that is suitable to a sacred character invested with high dignity.

There ought to be a symmetry between all the parts and orders of a state. A *poor* clergy in an *opulent* nation can have little correspondence with the body it is to instruct, and it is a disgrace to the public sentiments of religion. Such irreligious frugality is even bad economy, as the little that is given is entirely thrown away. Such an impoverished and degraded clergy in quiet times could never execute their duty, and in time of disorder would infinitely aggravate the public confusions.

That the property of the church is a favoured and

[1] This motion was made the 17th February, 1772, and rejected on a division; the numbers being, ayes 117, noes 141.

privileged property, I readily admit. It is made with great wisdom, since a perpetual body with a perpetual duty ought to have a perpetual provision.

The question is not the property of the church, or its security. The question is, whether you will render the principle of prescription a principle of the law of this land, and incorporate it with the whole of your jurisprudence; whether, having given it first against the laity, then against the crown, you will now extend it to the church.

The acts which were made, giving limitation against the laity, were not acts against the property of those who might be precluded by limitations. The act of quiet against the crown was not against the interests of the crown, but against a power of vexation.

If the principle of prescription be not a constitution of positive law, but a principle of natural equity, then to hold it out against any man is not doing him injustice.

That *tithes* are due of common right is readily granted;—and if this principle had been kept in its original straitness, it might indeed be supposed, that to plead an exemption was to plead a long-continued *fraud*; and that no man could *be deceived* in such a title; as the moment he bought land he must know that he bought land tithed. Prescription could not aid him, for prescription can only attach on a supposed *bonâ fide* possession.

But the fact is, that the principle has been broken in upon.

Here it is necessary to distinguish two sorts of property:—1. Land carries no *mark* on it to distinguish it as ecclesiastical, as tithes do, which are a *charge* on land; therefore, though it had been made *inalienable*, it ought perhaps to be subject to limitation. It might *bonâ fide* be held.

But first it was not originally inalienable; no, not by the *canon law*, until the restraining act of the 11th of Elizabeth. But the great revolution of the dissolution of monasteries by the 31st Hen. ch. 13, has so

mixed and confounded ecclesiastical with lay property, that a man may by every rule of good faith be possessed of it.

The statute of Queen Elizabeth, ann. 1, ch. 1, gave away the bishop's lands.

So far as to *lands*.

As to tithes, they are not things in their own nature subject to be barred by prescription upon the general principle. But tithes and church lands, by the statutes of Henry VIII. and the 11th Eliz., have become objects *in commercio ;* for by coming to the crown they became grantable in that way to the subject, and a great part of the church lands passed through the crown to the people.

By passing to the king, tithes became property to a mixed party ; by passing from the king, they became absolutely *lay* property ; the partition-wall was broken down, and tithes and church possessions became no longer synonymous terms. No man therefore might become a fair purchaser of tithes, and of exemption from tithes.

By the statute of Elizabeth, the lands took the same course, (I will not inquire by what justice, good policy, and decency,) but they passed into lay-lands, became the object of purchases for valuable consideration, and of marriage-settlements.

Now, if tithes might come to a layman, land in the hands of a layman might be also tithe-free. So that there was an object, which a layman might become seised of equitably and *bonâ fide ;* there was something on which a prescription might attach, the end of which is to secure the natural well-meaning ignorance of men, and to secure property by the best of all principles, continuance.

I have therefore shown, that a layman may be equitably seised of church lands—2. Of tithes—3. Of exemption from tithes ; and you will not contend that there should be no prescription. Will you say that the alienations made before the 11th of Elizabeth shall not stand good ?

I do not mean any thing against the church, her dignities, her honours, her privileges, or her possessions. I should wish even to enlarge them all; not that the church of England is incompetently endowed. This is to take nothing from her but the power of making herself odious. If she be secure herself, she can have no objection to the security of others. For I hope she is secure from lay-bigotry and anti-priestcraft, for certainly such things there are. I heartily wish to see the church secure in such possessions as will not only enable her ministers to preach the Gospel with ease, but of such a kind as will enable them to preach it with its full effect—so that the pastor shall not have the inauspicious appearance of a tax-gatherer;—such a maintenance as is compatible with the civil prosperity and improvement of their country.

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